



**BOARD OF COMMISSIONERS OF THE CALHOUN PORT  
AUTHORITY**

**REQUEST FOR BIDS  
SECURITY GUARD SERVICES  
Issue Date: Wednesday, July 27, 2022**

**1.0 INTRODUCTION**

The Calhoun Port Authority is a seaport on the Texas Gulf of Mexico coast.

The Calhoun Port Authority is seeking a firm that can provide Security Guard Services (uniformed unarmed) for the Port Facilities. This solicitation sets forth, at a minimum, the specifications, terms, conditions, and requirements to be considered for this solicitation.

The intent of this RFB is to award a contract to a qualified and responsible contractor whose proposal, conforming to this RFB and upon consideration of all lawful, relevant factors, is most advantageous to the Port, including but not necessarily limited to price. The Port reserves the right under this RFB to select the Bid that offers the “best value” based on the published selection criteria and on its ranking evaluation of submitted Bids, and also reserves the right to reject all Bids.

**2.0 GENERAL REQUIREMENTS**

**A. Deadline**

Sealed Bids will be received until 9:00 a.m. (CDT) on Wednesday, August 10, 2022.  
Bid Packages received after this date and time will not be considered.

**B. Guidance on Submissions**

1. Bids and accompanying documentation shall be addressed and mailed to:

Port Director  
Calhoun Port Authority  
P.O. Box 397  
Point Comfort, TX 77553

In the alternative, bidders may deliver similarly addressed packages to the Port Director at the Port's administrative facilities located at: 2313 FM 1593 South, Gate 2, Point Comfort, TX 77978.

The inside package shall be clearly labeled:

"BID SUBMITTED IN RESPONSE TO RFB FOR SECURITY GUARD SERVICES."

2. A pre-bid meeting will be held on Wednesday, July 27, 2022, 10:00 a.m. (CDT). The meeting will be held at the Calhoun Port Authority office located at 2313 FM 1593 South, Gate 2, Point Comfort, TX 77978.
3. The Port will accept questions about this RFB and about any matter related to the scope of work until 4:30 pm (CDT) on August 9, 2022. Questions must be emailed to: [crh@calhounport.com](mailto:crh@calhounport.com) and MUST include in the subject line: Security Bid. Emails WILL NOT be read if Security Bid is not in the subject line. (Oral instructions or information concerning the RFB given by Port staff or personnel will not bind the Port and should not be considered authoritative when assembling Responses.)
4. Bids will not be accepted after the established deadlines.
5. All information pertaining to this RFB can be found on the Calhoun Port Authority's website: <http://www.calhounport.com/port-business/bid-notice/>

It is the respondent's responsibility to check the website for supplemental information concerning this RFB. Responses must address each applicable requirement set out in this RFB. Only Respondents who can provide requested services should submit Bids.

6. Unless expressly allowed by written authorization from the Port, no Proposal may be changed, amended, or modified in any manner after it is delivered to the Port. However, a Proposal may be withdrawn and a modified or replacement Proposal submitted any time prior to the deadline set for receipt thereof.
7. The Port may hold Bids for 60 days after the date set for the opening without making a decision and the Respondent may not withdraw their proposal within that time.
8. Response packages shall include two (2) written submissions (one original and one copy) and one electronic copy (Adobe Acrobat-compatible file is preferred) of all material. The electronic copy shall be provided on appropriate media (e.g., USB flash drive or CD Rom) and shall be included in the response package.

The Port requests that Respondents not bind their Bids in a folder or file binder. To facilitate review by members of the Port's selection committee, material will be filed in three-ring, loose-leaf binders after opening. (Each member of the committee will be provided with a single binder containing all of the material.) Instead of binding the copies, the Port requests that each copy be independently collated, using binder clips, paper clips, rubber bands or similar easy-to-remove materials. (The manner in which submitters secure their Bids will not affect the Port's substantive assessment of the merits of the material.) Finally, the Port requests that the copies of the Bids be three-hole punched to facilitate assembly of the selection committee's notebooks.

9. Responses must be typed using no smaller than a 10 pt. font, on standard-size (8 ½” x 11”) paper, single sided, with each page numbered sequentially. Responses must contain a table of contents with page numbers and be arranged to correspond to the terms and requirements of this RFB in the order those terms/requirements appear in this RFB.
10. Proposal may not exceed 10 pages in length (excluding any cover letter and supporting documentation). Submissions that succinctly address the qualifications of the Respondent on services similar to those sought in this RFB will be more favorably received than submissions which make it difficult for the evaluation committee to assess the Respondent's ability to perform the services ultimately expected of the selected Respondent.
11. Communications with Port staff. Except to verify receipt of their responses, Respondents shall not contact the Port staff after the closing date for receipt of submissions.

<b>Milestone</b>	<b>Period End Date</b>
<b>Release of RFB</b>	<b>July 27, 2022 10:00 am (CDT)</b>
<b>Pre-Proposal Meeting</b>	<b>July 27, 2022 10:00 am (CDT)</b>
<b>End of Question and Answer Period</b>	<b>August 10, 2022 9:00 am (CDT)</b>
<b>Proposal Submissions Due</b>	<b>August 10, 2022 9:00 am (CDT)</b>
<b>Anticipated Contract Start Date</b>	<b>TBD</b>

### **3.0 SELECTION PROCESS**

#### **A. Proposal Submissions**

1. Each Respondents submission must contain a complete and thorough response to each of the questions and requests of this document. The completeness (and succinctness) of the Respondent's answers to these questions and requests will be considered in the evaluation process.
  - a. Cover letter. The package should begin with a cover letter, not exceeding two (2) pages in length that summarizes the Respondent's key qualifications and approach to performing the required services.
  - b. Discuss the capability of the Respondent's firm to provide all of the services requested in this RFB in a timely, effective and cost-efficient manner.

- c. Describe the experience of the Respondent's firm with providing Security Guard Services. Complete reference questionnaire, Attachment B.
  - d. Please provide any additional information you consider relevant to the selection process, such as prior Security Services experience with Ports.
2. The Port Director and Commissioners will evaluate the bid of each respondent based on those criteria that will satisfactorily allow performance of all the required services

#### **4.0 AWARD**

- A. Only firms who propose to provide directly all services requested in the Request for Bids should respond.
- B. Following selection and execution of a contract with the Port, the successful Respondent shall work with Port Staff to finalize bonds and contracts and insurance as required and to determine the best method to transition.
- C. Performance bonds as required by Texas law will be required from the successful Respondent. The successful respondent must deliver the performance bonds to the Port no later than the date the contract is signed.
- D. Services shall be carried out in accordance with the final signed contract documents (including the approved specifications and attachments) and in accordance with the laws and regulations of the State of Texas. The contract will not become effective until the Port and its legal counsel have approved the contract, and it has been approved, and its execution authorized by the Board of Commissioners of the Calhoun Port Authority.

#### **5.0 ADDITIONAL REQUIREMENTS**

- A. The Port does not assume, and hereby specifically disclaims, any responsibility or obligation of any nature, to any of the persons or entities responding to this RFB and will make no payment or reimbursement of any cost, fee or other expenditure whatsoever associated with the preparation or submission of a Proposal.
- B. The contract(s) awarded will be governed by the laws of the State of Texas and is (are) deemed payable and performable exclusively in Calhoun County, Texas. The venue for all disputes thereunder shall lie exclusively in a state district court in Calhoun County, Texas. The Port expressly reserves, and does not waive, its immunity from being sued in any federal court.

## **6.0 OPERATIONAL QUALIFICATIONS**

Proposer shall, at a minimum, meet the operational qualifications and responsibilities as listed below.

- A. Applicable Laws, Standards and Licensing: Contractor shall provide the specified service requirements in accordance with all applicable federal, state and local laws, standards and regulations necessary to perform the services, including but not limited to:
  - 1. Texas Administrative Code (TAC), Title 37, Chapter 35, Subchapters A through O as pertaining to the Private Security Bureau of the Texas Department of Public Safety (TDPS).
  - 2. Texas Occupation Code, Title 10, Chapter 1702 Private Security.
  - 3. Contractor must have valid Class B – Security Contractor Company License or Class C – Private Investigation and Security Contractor Company License and qualified Manager’s license issued by the Texas Department of Public Safety Private Security Bureau and be in good standing. Requirements found in the Occupations Code at <http://www.statutes.legis.state.tx.us/Docs/OC/htm/OC.1702.htm#1702.102>
  - 4. Contractor shall perform and ensure that all Maritime Transportation Security Act (MTSA) and the Calhoun Port Authority’s Facility Security Plan requirements are enforced.

## **7.0 CONTRACTORS REPORTING REQUIREMENTS**

- A. Contractor will provide the Port Designee with personnel files on each officer provided by the contractor if requested. Information contained in the personnel file will include but is not limited to: Training, Education, Experience, and Background Checks.
- B. Contractor must advise the Port Designee of any changes to staff and receive prior approval from Designee when applicable. Notification must be made no less than 24-hour advance notice.
- C. Complete daily logs recording security deficiencies and safety concerns and daily activity shall be available for the Port review. Security deficiencies and safety concerns must be reported to the Port Designee immediately via electronic mail or other means as requested by Port Designee.
- D. The Port reserves the right to approve the report format and require any desired changes or modifications. Additionally, an incident report shall be filled out and turned in on any incidents requiring other than routine activity on the part of the security officer/guard. Incident reports shall be turned in no later than 24-hours after the incident.

## **8.0 SECURITY OFFICER AND SECURITY SUPERVISOR REQUIREMENTS**

- A. Security Officers: At a minimum, meet the operational qualifications and responsibilities as listed below.
- Possess, or be able to possess, a TWIC within 60 days of assignment to the Port.
  - Properly licensed by the Texas DPS Private Security Program
  - Height and weight in proportion
  - Alert- constantly alert for potential hazards or threats to customers or the facility
  - Good communication skills – courteous and professional at all times
  - Good physical condition - able to walk, stand for long periods of time
  - Good writing skills – able to write clear incident reports in clear professional language
  - Minimum educational level – High School or equivalent GED
  - Pre-employment screening to include criminal history, drug screening and screening interview to determine honesty, suitability and qualifications
- B. Security Supervisor Requirements: All of the above plus qualifications and responsibilities as listed below.
- At least 3 years' experience as a security supervisor in a customer service environment or other suitable experience approved by the Port
  - Prior supervisory experience
  - Good communications and customer service skills
  - Capable of leadership, guidance and correction to subordinates in a professional manner
  - Experienced, capable communicator, able to settle disputes

## **9.0 UNARMED SECURITY GUARD SERVICES MANAGEMENT, AND DAY-TO-DAY MANAGEMENT OF SERVICES REQUIREMENTS**

- A. Develop post orders applicable to the Port security environment.
- B. Contractor shall meet with the Port Designee to establish and confirm Security Guard procedures and post Unarmed Security Guard Services.
- C. Ensure all Security Guard personnel adhere to the requirements and duties as described in this RFB and as established between the Port and Contractor in the procedures and post orders.
- D. The Contractor shall provide and supervise security officers/guards to provide services for all shifts and sites for which security officers/guards are required by this Contract or requested by the Port. Contractor shall make their best efforts to assign security officers/guards consistently to certain sites so that security officers/guards become more familiar with procedures and authorized persons associated with that site.

- E. Oversee job performance of Security Guards and ensure the punctuality, general fitness (mental and physical), discipline, professional appearance, professional demeanor, integrity, and attention to duty assignment and requirements. Actions such as repeated tardiness, consumption of alcohol/intoxication while on duty, and security policy violations shall not be tolerated and may result in Contract termination.
- F. Train Security Guard personnel on Port procedures and post orders (prior to staffing) and an annual additional 16 hours of training in the following, but not limited to:
  - MARSEC
  - CPR
  - Conflict Resolution
  - First Aid
  - Traffic control procedures
- G. Ensure Security Guards assigned to the Port do not work more than two (2) consecutive 8-hour shifts and have at least ten (10) hours between shifts.
- H. Upon request, conduct an in-person inspection of the assigned Security Guard and premises during the shift.
- I. Ensure staffing is maintained at all times during the designated hours, to include ensuring there is replacement officers for break, lunch, etc. coverage.
- J. Provide all equipment, vehicles, uniforms, safety equipment, etc. required by TAC necessary to perform post duties.
- K. Standard of Response Coverage and Integrated Risk Management Planning and Organizational Assessment & Development.
- L. Individual Security Officers/Guards. Prior to assignment of any security officer/guard, Contractor shall provide proof of required training and licensing/certification for that security officer/guard. Such proof shall include an affidavit of training, on a form to be approved by the Port, signed by the Contractor and the security officer/guard certifying that each type of training required by this Contract has been completed.
- M. Report Templates:  
Contractor shall provide to the Port, templates for all reports that are required by this Contract within the transition period. Formats and information required to be determined by the Port.
- N. Contractor must be prepared to properly staff a modified work schedule; ship schedule, possibly holidays, or as requested by the Port Designee.

## **10.0 SECURITY GUARD REQUIREMENTS**

- A. Duties are to include but not limited to:
  1. Enforce the requirements governed by the Calhoun Port Authority's Tariff and applicable Maritime Transportation Security Act regulations and the

Calhoun Port Authority's Facility Security Plan.

2. Report to assigned post location as designated by the Port Designee. Post shall be manned at all times as outlined by the Port Designee.
3. Enforce all Transportation Workers Identification Credential (TWIC) requirements as set forth in 33 CFR 101.514 and 33 CFR 101.515.
4. Be familiar with and have the ability to implement all the Calhoun Port Authority's Maritime Security Levels (MARSEC).
5. Be alert and conscientious of their surroundings while on duty.
6. Staff security checkpoints/ duty stations as established by the Port Designee and ensure proper entry of all non-excluded persons and personal items brought into facility.
7. Become familiarized with the facility and be able to interact with public, giving directions, information and responding to inquiries.
8. Protect the safety of persons at the site.
9. Prevent and minimize fire, theft, damage and trespass on the Port properties.
10. Prohibit entry into secure sites by anyone other than persons carrying valid Port identification or as otherwise instructed by the Port.
11. Report any unusual incidents or hazardous conditions.
12. Monitor security desk as well as:
  - Be familiar with and implement emergency fire or fire alarm procedures including familiarity with floor plans with locations of fire alarm pull boxes, fire extinguishers, fire alarm monitoring panel and other life/safety systems;
  - Be familiar with and implement emergency intrusion alarm procedures including the use of computer programs, closed circuit television monitors, voice intercom systems, alarms and alarm enunciator panels and other equipment required for monitoring and control of Port access;
  - Be responsible for all building and systems keys in their possession and shall account for the whereabouts of keys at all times. Keys shall not be loaned to anyone for any reason. If keys are lost or stolen, security officers/guards shall notify Contractor within two hours, and Contractor shall notify the Port immediately upon receiving the Security officer's/guard's report so that appropriate action can be taken to safeguard the premises. A police report must also be filed prior to the end



of shift. Contractor is responsible for the cost of replacement of lost, stolen or damaged keys.

13. Security officers/guards shall be familiar with and implement procedures and protocols for responding to medical emergencies, elevator entrapments, bomb threats, riots, fires, hazardous spills, floods and other emergencies.
  14. Security officers/guards shall be familiar with and implement procedures for receiving and forwarding requests for maintenance.
  15. Security officers/guards shall, at all times, be polite, courteous, respectful, and responsive to any person authorized to be on the site.
  16. Security officers/guards shall not be engaged in or conduct any personal business or business outside those described in this RFB at any time while assigned to perform services except for authorized breaks.
- B. Conduct site surveillance
1. Report suspicious activity to the appropriate persons (police, the Port Designee, etc.).
  2. Promptly respond to security issues.
- C. Security Guards selection skills and attributes:
1. Security Guards shall have the ability to maintain poise and self-control under stress.
  2. Security Guards must apply logic and exercise integrity when dealing with the public.
  3. Security Guards must follow set procedures as set by the Port.
- D. Work Hours:  
Regular work hours for performance of the service are defined as Monday through Sunday 24/7. Individual gates may vary due to vessel traffic.
- E. Security officers/guards shall provide required duties at all sites in accordance with the standard operating procedures unless otherwise provided in the Contract or as instructed by the Port.

## **10.1 TRAINING**

- A. In addition to training provided to security personnel for other purposes and prior to assignment at the Port, the Successful Proposer shall be responsible for assuring that their security personnel receive training in compliance with applicable regulations
- B. Contractor is required to provide MARSEC, first aide, CPR and AED training, as well as the following but not limited to, all security and public safety personnel at no cost to the employee.

- traffic direction training
  - initial and recurring de-escalation
  - customer service training
- C. In addition to the initial training required above, Contractor shall provide sixteen (16) hours of training each year of the Contract to all security officers/guards used in performance of the Contract. Training shall include but is not limited to report writing, customer service skills, de-escalation techniques, emergency procedures, NIMS, discrimination/sexual harassment, and cultural sensitivity training.
- D. Contractor shall ensure that all security personnel have satisfactorily completed training specified herein before reporting for work. The Port representatives may monitor training sessions. The Contractor shall test its personnel and provide the Director, or designee, with the test results.
- E. In addition, Contractor shall ensure that all project managers, supervisors, and professional security officers/guards are thoroughly familiar with all applicable rules, regulations, and procedures before being allowed to staff any post in the facility. All personnel shall be properly trained in the operation of the facilities and shall adhere to the facility rules and regulations without exception.

## **10.2 DRILL AND EXERCISE REQUIREMENTS**

- A. The Contractor shall participate, when requested, in port security and safety drills and, as applicable, meet the drill and exercise requirements in 33 CFR Part 105.
- B. Drills and exercises must test the proficiency of facility personnel in assigned security duties at all MARSEC Levels and the effective implementation of the Facility Security Plan (FSP). They must enable the Facility Security Officer (FSO) to identify any related security deficiencies that need to be addressed. All drills and exercises must comply with the requirements set forth in 33 CFR 105.220.

## **11.0 PROPOSER'S COMPENSATION AND FEE SCHEDULE**

Proposer should provide, as part of their Proposal, a complete and total compensation/fee schedule for services to be provided in response to this RFB. The submittal should include, at a minimum:

- A. Pricing:  
Rate at which the Port will be charged for guard services.
- B. A time and a half rate will apply for any continuous hours worked above forty (40) hours on the premises for any one individual with supporting documentation. Any charges outside of the approved weekly rate shall be approved, in advance, by the Port designee in writing.
- C. Proposal shall indicate any and all fees related to services outlined in this RFB. All prices are all inclusive-no mileage reimbursement, lodging or minimum trip charges, etc. shall apply.

- D. Contractor shall only bid on the all-inclusive, administrative/supervisory (loaded) portion of the hourly rate for security and supervisory personnel.

## 12.0 TRANSITION PERIOD

A. Contractor's Phase-In:

Contractor shall be prepared to accomplish a smooth and successful transition of operations and services and shall have up to a forty-five (45) day phase-in period. Contractor's phase-in period shall begin upon receipt of a start phase-in notice. The incumbent Contractor shall be responsible for performing the duties and services listed in its contract during Contractor's phase-in period.

During the phase-in period, Contractor shall arrange to have necessary supervisory, technical, and other personnel on site to observe the operation of the security officer/guard services. Contractor may use this phase-in period to recruit and transfer personnel, train personnel, arrange for security badging, establish management procedures, set up records, ensure adequate equipment is in place for security operations, and otherwise prepare for the assumption of control without disruption of operations. Qualified, current security staff will be interviewed and given an opportunity for employment with the contractor.

During the phase-in period, Contractor shall have the responsibility to develop and implement a full project schedule detailing the responsibilities of assigned personnel and submit it to the Port designee, for approval. The phase-in period shall end on the date set forth in the official notice to proceed, at which time Contractor shall assume full responsibility for the provision of security officer/guard services as requested by the Port designee.

B. Post Orders:

1. Within fifteen (15) days of the notice to proceed, Contractor shall deliver to the Port, the draft comprehensive post orders for all designated sites for The Port's review and approval. The Port shall review and return same to Contractor with instructions for revisions. Contractor shall prepare completed and approved post orders and submit them to the Port within ten (10) days of receipt of the Port revisions. Final post orders approved by the Port are incorporated by reference and shall become part of the Contract as though fully set forth.

2. Post orders shall remain in effect until altered by the Port Director or designee. The Director, or designee, may alter or amend all or any part of the existing post orders by notifying the Contractor via email. Amended post orders shall take effect at 8:00 a.m. on the second day following their delivery by the Port or at such earlier or later date as ordered by the Director or designee. The Director or designee may alter the post orders at any time during the term of the Agreement. Post orders shall include, but are not limited to:

- General Safety Procedures
- Emergency Procedures (including contact lists)
- Investigation, Incident and Emergency Report Procedures and Forms

- Shift Patrol Procedures
- Communication Procedures
- Dress and Grooming Standards
- Training Procedures
- Photographs and Diagrams at each Site
- Human Resources Policies

C. Training Plan:

1. No later than fifteen (15) days after the notice to proceed date, Contractor shall provide the Port with a draft training plan consisting of the following: (i) the proposed curriculum for each required subject matter, (ii) a resume for each instructor must be submitted seven days prior to the commencement of training. The Port shall review and return the draft training plan to Contractor with any instructions for revisions. Contractor shall deliver the completed training plan to the Port for its approval prior to the commencement of training required by this Contract.
2. All Security Officers/Guards. Within forty-five (45) days of the effective date of the Agreement, Contractor shall provide proof of having completed required training of each and every security officer/guard assigned to this Contract.

D. Report Templates:

Contractor shall provide to the Port, templates for all reports that are required by this Contract within the transition period. Formats and information required to be determined by the Port.

E. Subcontracts: No portion of the work shall be subcontracted without prior written consent of the Port.

### 13.0 ATTACHMENTS

- A. Proposal Form
- B. Questionnaire
- C. Client References
- D. Insurance
- E. Private Security Administrative Rules

**ATTACHMENT A**

**SECURITY GUARD SERVICES  
PROPOSAL FORM**

Company Name as Listed with the  
Secretary of State: \_\_\_\_\_

Date: \_\_\_\_\_  
\_\_\_\_\_

**Board of Commissioners of the Calhoun Port Authority**

This proposal relates to the Request for Bids for providing services for qualified Security Guard Services to provide on-site uniformed unarmed security guards for the Port Facilities for the Calhoun Port Authority.

1. **Proposal.** Signing this form indicates Responder is thoroughly familiar and in compliance/accordance with the Request for Proposal, Proposal Instructions, Attachments and Addenda and also with local conditions affecting the performance and cost of the goods and services to perform the work supplied. The Proposal includes all costs associated with the implementation of labor, equipment, materials, overhead, profit, insurance and bonds to cover the goods and services.
  
2. **Compensation.** Provide the firm's fee schedule for services as described in the RFB.

It is expected that the entire scope of this RFB will be awarded, but the Port reserves the right to reject all Bids and the right to delete elements from the scope.

The undersigned is the duly authorized agent of said company and has been duly authorized to execute this proposal, and that this company, corporation, firm, partnership or individual has not prepared this bid in collusion with any other proposer, and that the contents of this bid as to prices, terms or conditions of said proposal, have not been communicated by the undersigned nor by any employee or agent of said company to any other person engaged in this type of business or to any Calhoun Port Authority employee prior to the official opening of this proposal. The undersigned hereby designates his office as described below:

Respectfully Submitted: \_\_\_\_\_

Business Name: \_\_\_\_\_

Office Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Signed By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Witness Signature: \_\_\_\_\_

Printed Name of Witness: \_\_\_\_\_

**SEAL** If Bidder is a Corporation

## **ATTACHMENT B**

### **QUESTIONNAIRE**

#### **A. Proposers Qualifications and Background:**

1. Present evidence that the company is licensed to do business in the State of Texas.  
Include a copy of the license(s).
2. Identify the organizational status of the company, i.e., corporation, partnership, or sole proprietorship. Include the date of incorporation, name of corporate president/principals, and federal employment identification number (corporations) or social security number (sole proprietorship).
3. Provide the complete name of the company, the address and telephone number of the office which will handle this contract.
4. Provide a history of the company.
5. Demonstrate that the company has a minimum of five years' experience doing business as a security guard service.

#### **B. Organizational and Staff Structure:**

1. Discuss the structure of the organization, including the role and function of each department in the company.
2. Provide resumes for officers of the company and senior management if requested.
3. Provide the name, title, area of responsibility, type and years of experience, education, and length of employment with the company for each person on the Management/Project Team.
4. Describe the training afforded company employees.
5. State the company's capability to offer services in a multi-lingual environment.

#### **C. Company-Customer Relationships:**

1. Discuss the means of maintaining relationships between the company and a client.
2. Describe the customer service offered to clients.
3. Provide the name, title, and telephone number of the individual within the company who will serve as the primary contact should a contract be awarded based on this Proposal.
4. Describe the company's ability to maintain a high level of effective communication with the Port
5. Does the company provide a yearly review with The Port of customer service and performance with suggested improvements including future roadmaps?

**D. Historical Performance of Company:**

1. How many years has the company provided the type of services for which this Proposal is submitted?
2. Discuss the company's experience with Ports.
3. State the volume of business during the past five calendar years for which the vendor has provided the services for which the proposal is submitted.
4. Is your company currently for sale or involved in any transaction to expend or to become acquired by another business entity? If yes, please explain the impact both in organizational and directional terms.
5. Is your company currently in default on any loan agreement or financing agreement with any bank, financial institution, or other entity? If yes, specify date(s), details, circumstances, and prospects for resolution.
6. How long has company been in business under the current name?



**ATTACHMENT C**  
**CLIENT REFERENCES**

- 1. Customer Name:** \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Business Type: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Contract Period: \_\_\_\_\_  
Contract Value: \_\_\_\_\_  
Services Provided: \_\_\_\_\_
  
- 2. Customer Name:** \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Business Type: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Contract Period: \_\_\_\_\_  
Contract Value: \_\_\_\_\_  
Services Provided: \_\_\_\_\_
  
- 3. Customer Name:** \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Business Type: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Contract Period: \_\_\_\_\_  
Contract Value: \_\_\_\_\_  
Services Provided: \_\_\_\_\_

## ATTACHMENT D

### Calhoun Port Authority Insurance Requirements Master Services Agreement

#### 1. Specific Insurance Requirements

The following insurance shall be maintained in effect with limits not less than those set forth below at all times during the term of this Agreement and thereafter as required:

Insurance	Coverage/Limits	Other Requirements
Commercial General Liability (Occurrence Basis)	<ul style="list-style-type: none"> <li>• \$1,000,000 Per Occurrence</li> <li>• \$2,000,000 General Aggregate</li> <li>• \$1,000,000 Personal And Advertising Injury</li> </ul>	<ul style="list-style-type: none"> <li>• Current ISO edition of CG 00 01</li> <li>• The personal injury contractual liability exclusion shall be deleted.</li> <li>• This coverage shall be endorsed to provide primary and non-contributing liability coverage. It is the intent of the parties to this Agreement that all insurance coverage required herein shall be primary to and shall seek no contribution from all insurance available to Owner Parties, with Owner Parties' insurance being excess, secondary and non-contributing.</li> <li>• The following exclusions/limitations (or their equivalent(s), are prohibited:               <ul style="list-style-type: none"> <li>○ Contractual Liability Limitation CG 21 39</li> <li>○ Amendment of Insured Contract Definition CG 24 26</li> <li>○ Any type of Punitive, Exemplary or Multiplied Damages exclusion</li> </ul> </li> </ul>
Business Auto Liability	\$1,000,000 Per Accident	<ul style="list-style-type: none"> <li>• Current ISO edition of CA 00 01</li> <li>• Arising out of any auto (Symbol 1), including owned, hired and nonowned</li> </ul>
Workers' Compensation and Employer's Liability	<ul style="list-style-type: none"> <li>• Statutory Limits</li> <li>• \$500,000 Each Accident and Disease</li> <li>• USL&amp;H must be provided where such exposure exists.</li> </ul>	<ul style="list-style-type: none"> <li>• Such insurance shall cover liability arising out of the Consultant's employment of workers and anyone for whom the Consultant may be liable for workers' compensation claims. Workers' compensation insurance is required, and no "alternative" forms of insurance shall be permitted.</li> <li>• Where a Professional Employer Organization (PEO) or "leased employees" are utilized, Consultant shall require its leasing company to provide Workers' Compensation insurance for said workers and such policy shall be endorsed to provide an Alternate Employer endorsement in</li> </ul>

		favor of Consultant. Where Consultant uses leased employees with Workers' Compensation insurance provided by a PEO or employee leasing company, Consultant is strictly prohibited from subletting any of its work without the express written agreement of Owner.
Excess Liability (Occurrence Basis)	<ul style="list-style-type: none"> <li>• \$2,000,000 Each Occurrence</li> <li>• \$2,000,000 Aggregate</li> </ul>	<ul style="list-style-type: none"> <li>• Such insurance shall be excess over and be no less broad than all coverages described above and shall include a drop-down provision for exhaustion of underlying limits.</li> </ul>

# **PRIVATE SECURITY ADMINISTRATIVE RULES**

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**Updated November 3, 2016**

# Texas Administrative Code

TITLE 37  
PART 1  
CHAPTER 35

PUBLIC SAFETY AND CORRECTIONS  
TEXAS DEPARTMENT OF PUBLIC SAFETY  
PRIVATE SECURITY

## Subchapters

<b><u>SUBCHAPTER A</u></b>	<b>GENERAL PROVISIONS</b>	
<a href="#">§35.1</a>	Definitions .....	5
<a href="#">§35.2</a>	Employment Requirements .....	5
<a href="#">§35.3</a>	Registration Applicant Pre-employment Check .....	5
<a href="#">§35.4</a>	Guidelines for Disqualifying Criminal Offenses .....	6
<a href="#">§35.5</a>	Standards of Conduct .....	7
<a href="#">§35.6</a>	Contract and Notification Requirements ...	7
<a href="#">§35.7</a>	Firearm Standards .....	8
<a href="#">§35.8</a>	Consumer Information and Signage .....	8
<a href="#">§35.9</a>	Advertisements .....	9
<a href="#">§35.10</a>	Residential Solicitation .....	9
<a href="#">§35.11</a>	Guard Dog Welfare Requirements .....	9
<a href="#">§35.12</a>	Classification of Electronic Access Control Device Company License .....	10
<a href="#">§35.13</a>	Drug-Free Workplace Policy .....	10
<a href="#">§35.14</a>	Security Officer Uniforms .....	10
<b><u>SUBCHAPTER B</u></b>	<b>REGISTRATION AND LICENSING</b>	
<a href="#">§35.21</a>	Registration Applications .....	10
<a href="#">§35.22</a>	Renewal Applications for Registrations and Licenses .....	11
<a href="#">§35.23</a>	Termination of Incomplete Applications .....	11
<a href="#">§35.24</a>	Photographs .....	11
<a href="#">§35.25</a>	Assumed Names; Corporations .....	11
<a href="#">§35.26</a>	Reclassification and Assignment .....	11
<a href="#">§35.27</a>	Insurance .....	12
<a href="#">§35.28</a>	Registrant Name Change .....	12
<a href="#">§35.29</a>	Registrant Termination .....	12
<b><u>SUBCHAPTER C</u></b>	<b>MANAGER STANDARDS</b>	
<a href="#">§35.41</a>	Manager Standards .....	12
<a href="#">§35.42</a>	Manager Examination .....	13
<a href="#">§35.43</a>	Operation Without Manager .....	13

## **SUBCHAPTER D DISCIPLINARY ACTIONS**

<a href="#"><u>§35.51</u></a>	Complaints .....	13
<a href="#"><u>§35.52</u></a>	Administrative Penalties .....	13

## **SUBCHAPTER E ADMINISTRATIVE HEARINGS**

<a href="#"><u>§35.61</u></a>	Service of Notice .....	16
<a href="#"><u>§35.62</u></a>	Default Judgments .....	16
<a href="#"><u>§35.63</u></a>	Hearing Costs .....	16
<a href="#"><u>§35.64</u></a>	Preliminary Hearings .....	16
<a href="#"><u>§35.65</u></a>	Contested Cases Based on Sex Offender Registration Requirement .....	17

## **SUBCHAPTER F COMMISSIONED SECURITY OFFICERS**

<a href="#"><u>§35.81</u></a>	Application for a Security Officer Commission .....	17
<a href="#"><u>§35.82</u></a>	Commissioned Security Officer Standards .....	17
<a href="#"><u>§35.83</u></a>	Renewal of Security Officer Commission .....	18

## **SUBCHAPTER G PERSONAL PROTECTION OFFICERS**

<a href="#"><u>§35.91</u></a>	Requirements for Personal Protection Endorsement.....	18
<a href="#"><u>§35.92</u></a>	Employer Requirements .....	18
<a href="#"><u>§35.93</u></a>	Personal Protection Officer Standards .....	18

## **SUBCHAPTER H LETTERS OF AUTHORITY**

<a href="#"><u>§35.101</u></a>	Private Business Letter of Authority .....	19
<a href="#"><u>§35.102</u></a>	Governmental Letter of Authority .....	19

## **SUBCHAPTER I COMPANY RECORDS**

<a href="#"><u>§35.111</u></a>	Employee Records .....	19
<a href="#"><u>§35.112</u></a>	Business Records .....	20
<a href="#"><u>§35.113</u></a>	Records Required on Commissioned Security Officers .....	20

## **SUBCHAPTER J SPECIAL COMPANY LICENSE QUALIFICATIONS**

<a href="#"><u>§35.121</u></a>	Investigations Company License .....	20
<a href="#"><u>§35.122</u></a>	Guard Company License .....	20
<a href="#"><u>§35.123</u></a>	Locksmith Company License .....	21

## **SUBCHAPTER K FEES**

<a href="#"><u>§35.131</u></a>	Licensing and Examination Fees .....	21
<a href="#"><u>§35.132</u></a>	Subscription Fees .....	23

<b><u>SUBCHAPTER L</u></b>	<b>TRAINING</b>	
<a href="#"><u>§35.141</u></a>	Training Requirements .....	23
<a href="#"><u>§35.142</u></a>	Training School Approval .....	24
<a href="#"><u>§35.143</u></a>	Training Instructor Approval .....	24
<a href="#"><u>§35.144</u></a>	Training Manuals and Examinations for Commissioned Security Officer and Personal Protection Officer .....	26
<a href="#"><u>§35.145</u></a>	Handgun Courses .....	26
<a href="#"><u>§35.146</u></a>	Shotgun Course of Fire .....	26
<a href="#"><u>§35.147</u></a>	Certificates of Completion and Training Records .....	26

<b><u>SUBCHAPTER M</u></b>	<b>CONTINUING EDUCATION</b>	
<a href="#"><u>§35.161</u></a>	Continuing Education Requirements .....	27
<a href="#"><u>§35.162</u></a>	Continuing Education Schools .....	28

<b><u>SUBCHAPTER N</u></b>	<b>EXEMPTIONS</b>	
<a href="#"><u>§35.171</u></a>	Unlicensed General Contractors or Other Intermediaries .....	29
<a href="#"><u>§35.172</u></a>	Certain Locksmith Services .....	29
<a href="#"><u>§35.173</u></a>	Electronic Access Control Device .....	30

<b><u>SUBCHAPTER O</u></b>	<b>ACTIVE MILITARY AND SPOUSES- SPECIAL CONDITIONS</b>	
<a href="#"><u>§35.181</u></a>	Exemption from Penalty for Failure to Renew in Timely Manner .....	30
<a href="#"><u>§35.182</u></a>	Extension of Certain Deadlines for Active Military Personnel .....	30
<a href="#"><u>§35.183</u></a>	Alternative License Procedure for Military Spouses .....	30
<a href="#"><u>§35.184</u></a>	Credit for Military Experience and Training .....	30

## SUBCHAPTER A DEFINITIONS

### **RULE §35.1 Definitions**

The terms in this section have the following meanings when used in this chapter unless the context clearly indicates otherwise:

- (1) Act--Texas Occupations Code, Chapter 1702.
- (2) Application--Includes an application for an original, renewal, duplicate or updated registration, endorsement, commission, or license issued under the Act.
- (3) Board--The Texas Private Security Board.
- (4) Department--The Texas Department of Public Safety.
- (5) Licensee--A company licensed under the Act.
- (6) Mechanical security device--Any device designed to control the opening or closing of a room, building, safe, vault, lockbox, safety deposit box, or motor vehicle, and which is not an electric access control device or alarm system as defined by the Act.
- (7) Registrant--An individual who holds a registration, endorsement, or commission under the Act.
- (8) SOAH--The State Office of Administrative Hearings.
- (9) Television camera or still camera system--Any device or system of devices that produces a visual image or series of images either recorded, transmitted through an intranet or internet protocol based device, or monitored by security personnel, for the purposes of private security or surveillance. The phrase does not refer to a television camera or still camera system used exclusively:
  - (A) To monitor traffic conditions on public roads;
  - (B) To detect motor vehicle violations on public roads;
  - (C) For telephone or video conferencing;
  - (D) To monitor a manufacturing process;
  - (E) For medical purposes by medical practitioners;
  - (F) By a courtroom reporter or videographer to record depositions or testimony; or
  - (G) By a licensed private investigator who installs, operates, and maintains ownership of the system for the purposes of an ongoing investigation.

### **RULE §35.2 Employment Requirements**

- (a) Those registered with the department to perform a regulated service may only perform such services for the employer with whom they are registered. A person may not contract to perform a regulated service unless licensed by the department as a company under Subchapter F of the Act.
- (b) The employment relationship between a licensed company and its registered or commissioned employees must be such that the licensee's commercial liability insurance policy provides the statutorily required coverage for claims arising from the regulated services provided on behalf of the licensee by its registered or commissioned employees. The failure to maintain and provide current documentation of such coverage is a violation of the Act.

### **RULE §35.3 Registration Applicant Pre-employment Check**

- (a) Pursuant to §1702.230 of the Act, the pre-employment background check of the applicant described in subsection (c) of this section must be conducted when:
  - (1) An application meeting the requirements of §35.21 of this title (relating to Registration Applications) has been submitted;
  - (2) The department's website does not indicate the application is complete within 48 hours after the submission of the applicant's fingerprints; and
  - (3) Regulated services are to be performed by the applicant prior to issuance of the registration.
- (b) The ability to perform a non-commissioned regulated service prior to licensure is conditional on either:
  - (1) Department notification that a complete application has been received and :
    - (A) Performance of the pre-employment background check required under subsection (c) of this section;
    - (A) The determination that the applicant is not disqualified based on the background check; and
    - (B) The employer's retention of the search results in the employee's file, as required by subsection (e) of this section; or



- (2) The absence of notification by the department that a complete application has been received, the passage of 48 hours since submission of the application materials required by §35.21 of this title (relating to Registration Applications), and:
  - (A) Performance of the pre-employment background check required under subsection (d) of this section;
  - (B) The determination that the applicant is not disqualified based on the background check; and
  - (C) The employer's retention of the search results in the employee's file, as required by subsection (e) of this section.
- (c) For purposes of (b)(1) of this section, the pre-employment background check must at a minimum include the review of either the department's publicly accessible criminal history website or a commercial criminal history website, review of the department's sex offender registry website, and confirmation the applicant is not disqualified for the registration or endorsement based on either the applicant's criminal history or the requirement to register as a sex offender under Chapter 62, Code of Criminal Procedure. Nothing in this subsection precludes an employer from using a more stringent method of determining an applicant's eligibility.
- (d) The employer must maintain written documentation of the pre-employment check for at least two (2) years, regardless of the subsequent employment status of the applicant. The absence of such documentation constitutes a rebuttable presumption that the background check was not conducted.

## **RULE §35.4 Guidelines for Disqualifying Criminal Offenses**

- (a) The private security industry is in a position of trust; it provides services to members of the public that involve access to confidential information, to private property, and to the more vulnerable and defenseless persons within our society. By virtue of their licenses, security professionals are provided with greater opportunities to engage in fraud, theft, or related property crimes. In addition, licensure provides those predisposed to commit assaultive or sexual crimes with greater opportunities to engage in such conduct and to escape detection or prosecution.
- (b) Therefore, the board has determined that offenses of the following types directly relate to the duties and responsibilities of those who are licensed under the Act. Such offenses include crimes under the laws of another state or the United States, if the offense contains elements that are substantially similar to the elements of an offense under the laws of this state. Such offenses also include those "aggravated" or otherwise enhanced versions of the listed offenses.
- (c) The list of offenses in this subsection is intended to provide guidance only and is not exhaustive of either the offenses that may relate to a particular regulated occupation or of those that are independently disqualifying under Texas Occupations Code, §53.021(a)(2) - (4). The listed offenses are general categories that include all specific offenses within the corresponding chapter of the Texas Penal Code. In addition, after due consideration of the circumstances of the criminal act and its relationship to the position of trust involved in the particular licensed occupation, the board may find that an offense not described below also renders a person unfit to hold a license. In particular, an offense that is committed in one's capacity as a registrant under the Act, or an offense that is facilitated by one's registration, endorsement, or commission under the Act, will be considered related to the licensed occupation and may render the person unfit to hold the license.
  - (1) Arson, damage to property--Any offense under the Texas Penal Code, Chapter 28.
  - (2) Assault--Any offense under the Texas Penal Code, Chapter 22.
  - (3) Bribery--Any offense under the Texas Penal Code, Chapter 36.
  - (4) Burglary and criminal trespass--Any offense under the Texas Penal Code, Chapter 30.
  - (5) Criminal homicide--Any offense under the Texas Penal Code, Chapter 19.
  - (6) Disorderly conduct--Any offense under the Texas Penal Code, Chapter 42.
  - (7) Fraud--Any offense under the Texas Penal Code, Chapter 32.
  - (8) Kidnapping--Any offense under the Texas Penal Code, Chapter 20.
  - (9) Obstructing governmental operation--Any offense under the Texas Penal Code, Chapter 38.
  - (10) Perjury--Any offense under the Texas Penal Code, Chapter 37.
  - (11) Robbery--Any offense under the Texas Penal Code, Chapter 29.
  - (12) Sexual offenses--Any under the Texas Penal Code, Chapter 21.
  - (13) Theft--Any offense under the Texas Penal Code, Chapter 31.
  - (14) In addition:

- (A) An attempt to commit a crime listed in this subsection;
  - (B) Aiding and abetting in the commission of a crime listed in this subsection; and
  - (C) Being an accessory (before or after the fact) to a crime listed in this subsection.
- (d) A felony conviction for an offense listed in subsection (c) of this section is disqualifying for ten (10) years from the date of the completion of the sentence, unless subject to this subsection.
  - (e) A Class A misdemeanor conviction for an offense listed in subsection (c) of this section is disqualifying for five (5) years from the date of completion of the sentence.
  - (f) Conviction for a felony or Class A offense that does not relate to the occupation for which license is sought is disqualifying for five (5) years from the date of commission, pursuant to Texas Occupations Code, §53.021(a)(2).
  - (g) Independently of whether the offense is otherwise described or listed in subsection (c) of this section, a conviction for an offense listed in Texas Code of Criminal Procedure, Article 42.12 §3g, or Article 42A.054, or that is a sexually violent offense as defined by Texas Code of Criminal Procedure, Article 62.001, or a conviction for burglary of a habitation, is permanently disqualifying subject to the requirements of Texas Occupations Code, Chapter 53.
  - (h) A Class B misdemeanor conviction for an offense listed in subsection (c) of this section is disqualifying for five (5) years from the date of conviction.
  - (i) Any unlisted offense that is substantially similar in elements to an offense listed in subsection (c) of this section is disqualifying in the same manner as the corresponding listed offense.
  - (j) A pending Class B misdemeanor charged by information for an offense listed in subsection (c) of this section is grounds for summary suspension.
  - (k) Any pending Class A misdemeanor charged by information or pending felony charged by indictment is grounds for summary suspension.
  - (l) In determining the fitness to perform the duties and discharge the responsibilities of the licensed occupation of a person against whom disqualifying charges have been filed or who has been convicted of a disqualifying offense, the board shall consider:
    - (1) The extent and nature of the person's past criminal activity;
    - (2) The age of the person when the crime was committed;
    - (3) The amount of time that has elapsed since the person's last criminal activity;
    - (4) The conduct and work activity of the person before and after the criminal activity;
    - (5) Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release;
    - (6) The date the person will be eligible; and
    - (7) Any other evidence of the person's fitness, including letters of recommendation from:
      - (A) Prosecutors or law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person; or
      - (B) The sheriff or chief of police in the community where the person resides.
  - (m) In addition to the documentation listed in subsection (l) of this section, the applicant or licensee or registrant shall furnish proof in the form required by the department that the person has:
    - (1) Maintained a record of steady employment;
    - (2) Supported the applicant's dependents;
    - (3) Maintained a record of good conduct; and
    - (4) Paid all outstanding court costs, supervision fees, fines and restitution ordered in any criminal case in which the applicant has been charged or convicted.
  - (n) The failure to timely provide the information listed in subsection (l) and subsection (m) of this section may result in the proposed action being taken against the application or license.
  - (o) The provisions of this section are authorized by the Act, §1702.004(b), and are intended to comply with the requirements of Texas Occupations Code, Chapter 53.

## **RULE §35.5 Standards of Conduct**

- (a) The State Seal of Texas may not be displayed as part of a uniform or identification card, or markings on a motor vehicle, other than such items prepared or issued by the department.
- (b) Licensees and registrants shall cooperate fully with any investigation conducted by the department, including but not limited to the provision of employee records upon request by the department and compliance with any subpoena issued by the department.
- (c) If arrested, charged, or indicted for a criminal offense above the level of Class C misdemeanor, a registrant shall within seventy-two (72) hours notify the employer, and the employer (when

notified by the employee or otherwise informed) shall notify the department in writing (including by email) within seventy-two (72) hours of notification. The notification shall include the name of the arresting agency, the offense, court, and cause number of the charge or indictment. The registrant and employer must supplement their respective notifications as further information becomes available.

- (d) Any registrant who has been issued a pocket card shall carry the pocket card on or about his person while on duty and shall present same upon request from a peace officer or to a representative of the department.

## **RULE §35.6 Contract and Notification Requirements**

- (a) A licensee shall inform the client of the right to a written contract describing the fees to be charged and the services to be rendered.
- (b) If requested, a written contract for regulated services shall be furnished to a client within seven (7) days.
- (c) The written contract shall be dated and signed by the owner, manager, or other individual expressly authorized to execute contracts on behalf of the licensee.
- (d) Within seven (7) days of contracting for regulated services with another licensee, the licensee shall:
- (1) Notify the recipient of those services of the name, address, and telephone number, and individual to contact at the company that purchased the contract;
  - (2) Notify the recipient of services at the time the contract is negotiated that another licensed company may provide any, all or part of the services requested by subcontracting or outsourcing those services; and
  - (3) Notify the recipient of services of the name, address, phone number, and license number of the company providing those services, if any of the services are subcontracted or outsourced to a licensed third party.
- (e) The notice required under subsection (d) of this section shall:
- (1) Be mailed to the recipient in a written form that emphasizes the required information; and
  - (2) If the services are those of an alarm system company, required notice shall include stickers or other materials to be affixed to the alarm system indicating the alarm system company's or alarm systems monitor's new telephone number.
- (f) Subsection (e) of this section shall not apply to an alarm system company that subcontracts its monitoring services to another alarm system company if the conditions detailed in this subsection are met:
- (1) The contract for monitoring is with another alarm systems company licensed under the Act;
  - (2) The contract between the original contracting licensee and the client remains in full force and effect, continues to govern all rights of the client with respect to the provision of alarm services, and remains in the control of the original contracting licensee;
  - (3) Neither the contact information provided to the client, nor the address and telephone numbers for alarm service, have changed as a result of the subcontracting arrangement; and
  - (4) The contact information provided to the client relating to the monitoring of the alarm system has not changed.

## **RULE §35.7 Firearm Standards**

- (a) Commissioned security officers and personal protection officers may only carry a firearm of the category with which they have been formally trained as required under the Act and this chapter, and for which documentation of the training is on file with the department.
- (b) The recognized firearm categories are:
- (1) SA--Any handgun, whether semi-automatic or not;
  - (2) NSA--Handguns that are not semi-automatic; and
  - (3) STG--Shotgun.
- (c) Commissioned security officers and personal protection officers must exercise care and sound judgment in the use and storage of their firearms.
- (d) No security officer may carry an inoperative, unsafe, replica, or simulated firearm in the course and scope of employment or while in uniform.
- (e) No commissioned security officer or personal protection officer may brandish, point, exhibit, or otherwise display a firearm at anytime, except as authorized by law.
- (f) The discharge of a firearm by a security officer while on duty or otherwise acting or purporting

to act under the authority of a security officer commission shall be immediately reported to the officer's employer. The employer must notify the department of the discharge of a firearm in writing within twenty-four (24) hours of the incident. The notification to the department must include:

- (1) The name of the person discharging the firearm;
- (2) The name of the employer;
- (3) The location of the incident;
- (4) A brief description of the incident;
- (5) A statement reflecting whether death, personal injury, or property damage resulted; and
- (6) The name of the investigating or arresting law enforcement agency, if applicable.

## **RULE §35.8 Consumer Information and Signage**

- (a) A licensee shall, either orally or in writing, notify all clients or recipients of services of the license number and the mailing address, telephone number, and email address of the department's Regulatory Services Division for the purpose of directing complaints.
- (b) If a licensee chooses to provide the notice required by subsection (a) of this section in written form, the notice shall contain the company's license number, and mailing address, telephone number, and email address of the department, in a type face of the same size as that which appears in the document as a whole but in no case less than ten (10) point font.
- (c) All licensees must display conspicuously in the principal place of business and in any branch office a sign containing the name, mailing address, telephone number, and email address of the department's Regulatory Services Division, and a statement informing consumers or recipients of services that complaints against licensees may be directed to the department.
- (d) The company's license number must be displayed on any vehicle on which the company name is displayed, and must be in letters and numbers at least one (1) inch high and permanently affixed or magnetically attached to each side of the vehicle in a color contrasting with the background color.

## **RULE §35.9 Advertisements**

- (a) A licensee's advertisements must include:
  - (1) The company name and address as it appears in the records of the department; and
  - (2) The company's license number.
- (b) No licensee shall use the Texas state seal or the insignia of the department to advertise or publicize a commercial undertaking, or otherwise violate Texas Business & Commerce Code, §17.08 or Texas Government Code, §411.017.
- (c) The use of the department's name is prohibited when it may give a reasonable person the impression that the department issued the statement or that the individual is acting on behalf of the department.
- (d) For purposes of this section, an advertisement includes any media created or used for the purpose of promoting the regulated business of the licensee.

## **RULE §35.10 Residential Solicitation**

A licensee or employee of a licensee who offers or attempts to sell regulated goods or services to a homeowner or resident of a home or apartment through direct physical contact, including door to door solicitation, shall:

- (1) Carry a department issued pocket card, or a receipt of registration issued by the department, and present said pocket card or proof of registration for inspection to the homeowner or resident;
- (2) Inform the homeowner or resident of the person's name and employer's name;
- (3) Provide to the homeowner or resident, at no charge, a document or business card listing the person's name, employer's name, address, phone number, license number, and the department's phone number with instructions on how to contact or file a complaint with the department;
- (4) Not approach or solicit a home or residence during any times where a placard is displayed indicating that the homeowner or residential occupant does not wish to be solicited; and
- (5) Provide to the local law enforcement agency with primary jurisdiction a written list of all registrants that will be engaging in the door to door solicitation of its residents before any solicitation occurs. The licensed company shall update the information provided to the above referenced agency if there are any changes to the list. This

notification can be made via fax, email, regular mail, or by hand delivery to the agency. This notification shall include the company name and department issued license number.

### **RULE §35.11 Guard Dog Welfare Requirements**

Each guard dog company and any licensed company using guard dogs shall comply with the requirements detailed in this section:

- (1) All pens, spaces, rooms, runs, cages, compartments, or hutches where guard dogs are housed, exercised, trained, or placed shall be kept clean and maintained in a sanitary condition. Excreta shall be removed as often as necessary to prevent contamination of the inhabitants and reduce disease hazards and odors. Adequate shelter shall be provided to protect animals from any form of overheating or cold or inclement weather.
- (2) All animals shall be fed at least once a day except as otherwise might be directed by a licensed veterinarian. The food shall be free from contamination, wholesome, palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food receptacles shall be accessible to all animals and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean and sanitary. Disposable food receptacles may be used but must be discarded after each feeding. Self feeders may be used for the feeding of food and shall be kept clean and sanitary to prevent molding, deterioration, or caking of feed.
- (3) All animals shall be furnished ample water. If potable water is not accessible to the animals at all times, it shall be offered to them at least twice daily for periods of not less than one hour, except as directed by a licensed veterinarian. Watering receptacles shall be kept clean and sanitary.
- (4) All animals shall be vaccinated by a licensed veterinarian against rabies by the time they are four (4) months of age and within each subsequent twelve (12) month interval thereafter. Official rabies vaccination certificates issued by the vaccinating veterinarian shall contain certain standard information as designated by the Department of State Health Services. Information required is detailed in this paragraph:
  - (A) Owner's name, address, and telephone number;
  - (B) Animal identification, including species, sex, age (3 Month to 12 Month, 12 Month or older), size (lbs.), predominant breed and colors;
  - (C) Vaccine used, producer, expiration date, and serial number;
  - (D) Date vaccinated;
  - (E) Rabies tag number; and
  - (F) Veterinarian's signature and license number.

### **RULE §35.12 Classification of Electronic Access Control Device Company License**

Pursuant to the Act, the department has established that the electronic access control device company license will be classified as a Class B, security services contractor license.

### **RULE §35.13 Drug-Free Workplace Policy**

- (a) In the interest of creating a safe and drug-free work environment for clients and employees, all licensed companies shall establish and implement a drug-free workplace policy consistent with the Texas Workforce Commission's "Drug-Free Workplace Policy."
- (b) A copy of the company's drug-free workplace policy shall be signed by each employee and kept in each employee's file.

### **RULE §35.14 SECURITY OFFICER UNIFORMS**

- (a) All commissioned and noncommissioned private security officers shall, at a minimum, display on their outermost garment the name of the company by which the security officer is employed, the word "Security," and the last name of the security officer. These items shall each be of a size, style, shape, design, and type that are clearly visible by a reasonable person under normal conditions.
- (b) Subsection (a) of this section does not apply to a personal protection officer while performing personal protection services in plain clothes.

# SUBCHAPTER B REGISTRATION AND LICENSING

## **RULE §35.21 Registration Applications**

- (a) It is the responsibility of the licensed company to ensure an application that meets the requirements of this section has been submitted to the department by or on behalf of any employee who is required to register under the Act. An application must include all items required under subsection (b) of this section in order to comply with the requirements of §1702.230(c) of the Act.
- (b) The items detailed in this subsection must be submitted in the manner prescribed by the department, prior to employment in a regulated capacity:
  - (1) The required fee;
  - (2) A copy of the applicant's Level II certificate of completion when applicable;
  - (3) Fingerprints in the form and manner approved by the department; and
  - (4) The criminal history check fee as provided in this chapter.
- (c) As part of the department's criminal history check, additional court documents or related materials may be requested of the applicant. Failure to comply with such a request may result in the rejection of the application as incomplete.

## **RULE §35.22 Renewal Applications for Registrations and Licenses**

- (a) An application for renewal must be submitted in the manner prescribed by the department.  
The application must include:
  - (1) The required fee;
  - (2) Fingerprints in the form and manner approved by the department; and
  - (3) The criminal history check fee as provided in this chapter.
- (b) A complete renewal application must be submitted prior to expiration for the current registration, endorsement or license to remain in effect pending the approval of the renewal application. If the completed application is not received by the department prior to the expiration date, no regulated services may be performed until a complete renewal application is submitted in compliance with this chapter.

## **RULE §35.23 Termination of Incomplete Applications**

- (a) If an application is illegible or incomplete, the department will notify the applicant of the deficiency. The applicant will have ninety (90) days from the date of notice to address the deficiency. Upon request of the applicant, the department may extend the period to address the deficiency for one additional ninety (90) day period. If the applicant is unable to provide the required information the applicant may request a hearing before the department to determine whether the application may proceed without the requested information. If the applicant has neither provided the required information nor requested a hearing prior to the expiration of the time allowed for compliance, the application will be terminated. An application will not be terminated while a hearing requested under this subsection is pending.
- (b) If an applicant fails to provide all required application materials, or fails to respond to a request by the department for additional information necessary to process the application, the application will be terminated under the process set out in subsection (a) of this section.
- (c) Following the termination of an application, a new application must be submitted.

## **RULE §35.24 Photographs**

If the applicant does not have a digital photograph on file with the department or the department is unable to access the photograph on file, the laminated pocket card will be issued without a photograph. When presenting such a pocket card to a peace officer or to a representative of the department, the registrant shall also present a valid government issued identification card or drivers license.

## **RULE §35.25 Assumed Names; Corporations**

- (a) All individual applicants doing business under an assumed name shall submit an assumed name certificate from the county clerk of the county in which the applicant either:
  - (1) Has or will maintain business or professional premises; or
  - (2) Conducts business or renders a professional service, if the person does not or will not maintain business or professional premises in any county.

- (a) Corporations and other entities permitted and governed by the Texas Business Organizations Code using an assumed name shall submit an assumed name certificate from the Texas Secretary of State and the county clerk of the county in which the entity either:
  - (1) Has or will maintain business or professional premises; or
  - (2) Conducts business or renders a professional service, if the entity does not or will not maintain business or professional premises in any county.
- (b) Corporate applicants shall submit a current certificate of existence or a certificate of authority from the Texas Secretary of State.
- (c) Licensees may not operate under any name not reflected in current department records as the name under which the licensee will be doing business.

## **RULE §35.26    Reclassification and Assignment**

- (b) When a Class A or B license is reclassified as a Class C license, a fee in the amount of the difference in the cost of the licenses shall be paid. There shall be no refund when a Class C license is reclassified as a Class A or Class B license.
- (c) The department may approve the assignment of a company license to the spouse or heir(s) of a deceased owner provided:
  - (1) A copy of the owner's death certificate is filed with the department;
  - (2) A copy of the Will, Order Admitting Will to Probate, Letters of Testament, Affidavit of Heirship with two affiants' signatures, or Order of Heirship is filed with the department; and
  - (3) In the case of the death of a qualified manager, that a replacement manager is qualified within ninety (90) days.
- (d) Other assignments will be permitted only where the majority owners of the original licensee maintain majority ownership of the proposed assignee. The assignor must provide the department written documentation establishing the intended date of assignment, and must ensure any new owners required to register have been approved by the department. The assignee may not perform regulated services prior to the proposed date of assignment or the date of the department's approval of all required registration applications for new owners, whichever is later.
- (e) An additional assignment fee will be assessed as provided by this chapter upon assignment of a license under subsection (b) or (c) of this section.

## **RULE §35.27    Insurance**

- (a) To comply with the Act's requirements relating to documentary evidence of insurance coverage, the documents submitted to the department must specifically show:
  - (1) That the insurance is applicable to the conduct for which the licensee is licensed;
  - (2) The exclusions or endorsements specific to the activity for which the licensee is licensed, or that there are no such exclusions or endorsements; and
  - (3) The statutory minimum coverage limits, specifically distinguishing the limits for:
    - (A) Each occurrence of bodily injury and property damage;
    - (B) Each occurrence of personal injury; and
    - (C) The total aggregate amount of coverage for all occurrences.
- (b) The applicant or licensee must also provide the department with the insurance agent's current contact information and Texas license number.
- (c) Proof of insurance must be submitted in a form and manner prescribed by the department.
- (d) Pursuant to the Act, failure to maintain on file with the department evidence of current insurance coverage as required under this chapter will result in immediate suspension of the license. The suspension will become effective upon receipt of the notice.
- (e) The suspension may be rescinded upon receipt by the department of proof that there was no lapse in coverage. Such proof must be submitted within ten (10) business days following the effective date of the suspension.
- (f) In the event of a lapse in coverage, or the failure to provide evidence of continuous coverage within ten (10) business days, the license will not be reinstated until a complete application for reinstatement is submitted and approved. The application may be denied on grounds that the licensee has violated the Act or this chapter, including having provided regulated services while suspended pursuant to the Act.

## **RULE §35.28    Registrant Name Change**

A change of name must be reported to the department within thirty (30) days of the effective date of change. The notice of the change shall be in writing, and shall include a certified copy of the legal

document ordering the name change.

### **RULE §35.29 Registrant Termination**

When a registered employee of a licensee is terminated for any conduct in violation of the Act or this chapter, the licensee shall notify the department of such conduct within fourteen (14) days of termination. The notification shall be submitted in the manner prescribed by the department and must include any and all available documentation or evidence concerning the alleged offense.

## **SUBCHAPTER C MANAGER STANDARDS**

### **RULE §35.41 Manager Standards**

- (a) A qualified manager shall not knowingly allow or direct any person under their control to violate a provision of the Act, this chapter, or any criminal statute.
- (b) For purposes of the supervision required under the Act, a manager must have continuous oversight of no more than three (3) companies and two (2) schools, the supervised individuals, or their intermediate level supervisors, in a manner sufficient to ensure that all supervised individuals are in compliance with the Act and this chapter.

### **RULE §35.42 Manager Examination**

- (a) All applicants for registration as qualified manager of a licensee must pass the written examination administered by the department. All applicants must pass the examination with a minimum score of 70%.
- (b) Good order and discipline will be maintained during the examination. Conduct which is disruptive is grounds for immediate removal.
- (c) An oral examination may be given upon receipt of proof of dyslexia as defined by Texas Education Code, §51.970. Proof must be submitted in writing in a manner prescribed by the department.
- (d) Any examination other than the single examination authorized by payment of the original license fee shall be considered a reexamination for which the reexamination fee shall be required.

### **RULE §35.43 Operation Without Manager**

- (a) When a qualified manager of a licensee has been terminated or is no longer employed as manager, and the department has been notified of the action in writing within fourteen (14) days, the business may be temporarily operated by an owner, officer, partner, or shareholder for a period not to exceed sixty (60) days following the date of the manager's termination or cessation of managerial duties.
- (b) In the event summary action has been taken against the manager, the manager must immediately cease all regulated functions as qualified manager. Any applicable period of temporary operation pursuant to subsection (a) of this section shall run from the effective date of the summary action.

## **SUBCHAPTER D DISCIPLINARY ACTIONS**

### **RULE §35.51 COMPLAINTS**

Complaints relating to alleged violations of the Act or this chapter should be submitted in writing to department headquarters through the Private Security Program's website or mail to the department's Regulatory Services Division. The complaint should provide:

- (1) Name and contact information of complainant;
- (2) Name and type of business of licensee;
- (3) Specific dates and times of described events; and



(4) Detailed description of the violation.

## **RULE §35.52      Administrative Penalties**

The administrative penalties in this section are guidelines to be used in enforcement proceedings under the Act. The fines are to be construed as maximum penalties only, and are subject to application of the factors provided in §1702.402 of the Act.

<b><u>VIOLATION</u></b>	<b><u>VIOLATION DESCRIPTION</u></b>	<b><u>FINE AMOUNT</u></b>
UNI – Uniform Violation	Failure to display last name identification on outermost garment	\$ 25.00
UNI – Uniform Violation	Failure to display the word “Security” on outermost garment	\$ 50.00
UNI – Uniform Violation	Failure to display company name on outermost garment	\$ 50.00
FPPC – Failure to present pocket card	Failure to present pocket card upon request; failure to present valid government issued photo I.D. if no photo on card	\$100.00

RECV – Employee records violation	Full name of employee	\$ 25.00
RECV – Employee records violation	Position of employee	\$ 25.00
RECV – Employee records violation	Current residence of the security officer as reported by security officer	\$ 25.00
RECV – Employee records violation	Date of employment when performing a regulated service	\$ 25.00
RECV – Employee records violation	Address of employee as reported by employee	\$ 25.00
RECV – Employee records violation	Social security number	\$ 25.00
RECV – Employee records violation	Last date of employment	\$ 25.00
RECV – Employee records violation	Date of birth	\$ 25.00
RECV – Employee records violation	Place of birth	\$ 25.00
RECV – Employee records violation	One color photograph	\$ 25.00
RECV – Employee records violation	Failure to keep employee records two (2) years from termination	\$100.00
RECV – Employee records violation	Commission only – Current duty assignment and location	\$ 50.00
RECV – Employee records violation	Signed copy of drug-free workplace policy	\$ 25.00
DNP-No drug policy	Failure to establish drug-free workplace policy	\$100.00 per quarter
OPSL – Operating while license suspended	Operating with a suspended license	\$500.00 every fourteen (14) days
OPEL – Operating while license expired	Operating with an expired license	\$500.00 every fourteen (14) days
REG – Registration violation	Failure to comply with registration application requirements prior to regulated employment	\$200.00 every fourteen (14) days
REGN – Registration violation, ineligible	Enhancement to above violation (REG) for employing ineligible individual	\$200.00 (additional)

ADDR – Address change violation	Failure to notify the department within fourteen (14) days of change of address	\$350.00
CON – Other Contract Violation	Licensee failure to provide written report within seven (7) days	\$500.00
DISP – Consumer Sign Violation	Failure to display the consumer sign in a prominent place	\$100.00
POST – Failure to post license	Failure to post the license	\$100.00
ADV – Advertising Violation	Failure to have company name as stated in department records	\$100.00
ADV – Advertising Violation	Failure to have company address as stated in department records	\$100.00
ADV – Advertising Violation	Failure to display license number as issued by the department	\$100.00
ADV – Advertising Violation	Misrepresentation; deceptive or fraudulent advertisement	\$500.00
BRNC – Failure to notify establishment of branch office	Failure to notify department within fourteen (14) days of opening branch office	\$500.00
BRNT – Failure to notify closing of branch office	Failure to notify department within fourteen (14) days of closing of branch office	\$350.00
CHNG – Failure to notify Department of change of license name	Failure to notify department of a change in business name	\$500.00
MGRQ – Failure to Qualify a Manager	Failure to qualify a manager within sixty (60) days	\$500.00 every fourteen (14) days
MGRS- Manager failing to control business	Manager failing to maintain adequate supervision	\$3,000.00
MGRT – Failure to notify Department of manager termination within 14 days	Failure to notify department of manager termination within fourteen (14) days	\$500.00
OPS – Failure to notify Department of a change of ownership	Failure to notify change of ownership within fourteen (14) days	\$500.00 every fourteen (14) days
SEAL – Using State Seal or DPS Seal	Improper use of State Seal of Texas or Insignia of The Department of Public Safety	\$500.00
OPINS – Operational Insurance Violation	Operating without insurance, or outside scope of coverage	\$500.00 every fourteen (14) days

INSD – Insurance Documentation Violation	Failure to comply with requirements relating to proof of insurance	\$500.00
RECV – Employee records violation	Failure to conduct pre-employment check	\$ 500.00
TSREC– Training / CE School records violation	Failure to maintain required records	\$ 50.00
FAV– Firearm violations	Commission only – violations of firearm related rules on conduct	\$ 500.00
OPOS– Operating Outside Scope of License	Performing regulated service beyond scope of current license	\$ 5000.00
FD	Failure to maintain required records	\$ 50.00
RSOL- Residential Solicitation Violation	Violation of Rule §35.10 by company	\$500. 00 per violation
RSOL- Residential Solicitation Violation	Violation of Rule §35.10 by individual	\$100.00 per violation

## **SUBCHAPTER E ADMINISTRATIVE HEARINGS**

### **RULE §35.61 Service of Notice**

- (a) Licensees shall maintain on file with the department their current mailing and principal place of business address. Notification shall be submitted in writing and received by the department within fourteen (14) days of the date of the change of address.
- (b) The department is entitled to rely on the address currently on file for all purposes relating to notification. The failure to maintain a current address with the department is not a defense to any action based on the licensee's failure to respond.
- (c) Service by mail is complete upon deposit of the document enclosed in a postage paid, properly addressed envelope in a U.S. Post Office or official depository under the care and control of the U.S. Postal Service.

### **RULE §35.62 Default Judgments**

Following adequate notice of a hearing on a contested case before SOAH, failure of the respondent to appear at the time of hearing shall entitle the department to request from the administrative law judge an order dismissing the case from the SOAH docket and to informally dispose of the case on a default basis.

### **RULE §35.63 Hearing Costs**

- (a) In cases brought before SOAH, in the event the respondent is adjudicated as being in violation of the Act or this chapter after a trial on the merits, the department has authority to assess the actual costs of the administrative hearing in addition to the penalty imposed. Such costs include, but are not limited to, investigative costs, witness fees, deposition expenses, travel expenses of witnesses, transcription expenses, or any other costs that are necessary for the preparation of the department's case.
- (b) The costs of transcribing the testimony and preparing the record for an appeal by judicial review shall be paid by the respondent.

## **RULE §35.64 Preliminary Hearings**

- (a) Preliminary hearings must be requested in writing within thirty (30) calendar days of receipt of the summary action notice letter. The appeal of the preliminary hearing determination to SOAH must be submitted no later than fifteen (15) calendar days following the date of the determination letter.
- (b) Requests for continuance must be submitted in writing at least three (3) business days prior to the scheduled hearing. Requests must be based on good cause. Multiple requests may be presumed to lack good cause and may be denied on that basis.

## **RULE §35.65 Contested Cases Based on Sex Offender Registration Requirements**

- (a) Pursuant to §1702.3615 of the Act, in cases in which the department seeks to deny an application or revoke a license or registration solely on the basis the individual is required to register as a sex offender, the applicant or licensee may waive the right to a hearing before SOAH and appeal directly to the board. This hearing before the board is an evidentiary hearing, conducted at one of the board's quarterly public meetings. Such a hearing may be requested by submitting a written request to the department, at the address provided on the notice.
- (b) The factors detailed in this subsection may be employed by the department, the SOAH Administrative Law Judge, or by the board in cases of direct appeal under §1702.3615 of the Act:
  - (1) The age of the applicant or licensee at the time of the offense giving rise to the sex offender registration requirement;
  - (2) The classification of the offense;
  - (3) Evidence of rehabilitation or recidivism;
  - (4) The amount of time that has passed since the commission of the offense;
  - (5) The relationship between the offense and the occupation for which the individual seeks a license, including whether licensure will facilitate the commission of a similar offense; and
  - (6) Any other factors determined to be significant to a particular case..

# **SUBCHAPTER F COMMISSIONED SECURITY OFFICERS**

## **RULE §35.81 Application for a Security Officer Commission**

- (a) A complete security officer commission application must be submitted on the most current version of the form provided by the department. The application must include:
  - (1) The required application fee;
  - (2) Fingerprints in form and manner approved by the department;
  - (3) The required criminal history check fee;
  - (4) A copy of the applicant's Level II certificate of completion;
  - (5) A copy of the applicant's Level III certificate of completion;
  - (6) Non Texas residents must provide a copy of an identification card issued by the state of the applicant's residence, or other government issued identification card; and
  - (7) Non United States citizens must submit a copy of their current alien registration card. Non-resident aliens must also submit documents establishing the right to possess firearms under federal law.
- (b) Incomplete applications will not be processed and will be returned for clarification or missing information.

## **RULE §35.82 Commissioned Security Officer Standards**

- (a) Commissioned security officers shall carry their pocket cards while on duty and when traveling to and from the place of assignment, and shall present the cards upon request by a peace officer or to a representative of the department.
- (b) A commissioned security officer shall not:
  - (1) Perform the duties of a commissioned security officer for any person(s) other than the licensed employer reflected in department records;
  - (2) Possess or use any security officer commission pocket card that has been altered; or
  - (3) Deface or allow improper use of his security officer commission pocket card.
- (c) Commissioned private security officers shall comply with §35.14 of this title (relating to Security Officer Uniforms).
- (d) Subsection (c) of this section does not apply to a personal protection officer while performing personal protection services in plain clothes.

## **RULE §35.83 Renewal of Security Officer Commission**

- (a) An application for renewal of a security officer commission may not be submitted more than ninety (90) days prior to expiration. A completed renewal application must be submitted on the most current version of the form provided by the department. The application must include:
  - (1) The required renewal application fee;
  - (2) Non Texas residents must provide a copy of an identification card issued by the state of the applicant's residence, or other government issued identification card;
  - (3) Non United States citizens must submit a copy of their current alien registration card. Non resident aliens must also submit a copy of a current work authorization card and documents establishing the right to possess firearms under federal law;
  - (4) A valid firearms proficiency certificate issued no more than ninety (90) days prior to date of the renewal application;
  - (5) Unless usable prints are on file with the department, fingerprints in a manner approved by the department; and
  - (6) The required criminal history check fee.
- (b) Incomplete applications will not be processed and will be returned for clarification or missing information.

# **SUBCHAPTER G PERSONAL PROTECTION OFFICERS**

## **RULE §35.91 Requirements for Personal Protection Endorsement**

- (a) An applicant for personal protection endorsement shall:
  - (1) Submit a written application for a personal protection endorsement on a form prescribed by the department;
  - (2) Be at least twenty-one (21) years of age;
  - (3) Either possess a valid security officer commission issued prior to applying for a personal protection endorsement, or submit an application for security officer commission in conjunction with the application for a personal protection endorsement;
  - (4) Submit proof that the applicant has successfully completed the personal protection officer course taught by an approved personal protection officer instructor; and
  - (5) Submit proof of completion of the Minnesota Multiphasic Personality Inventory test or equivalent (proof of completion of the Minnesota Multiphasic Personality Inventory test shall be on the prescribed form Declaration of Psychological and Emotional Health and shall be signed by a licensed psychologist).
- (b) A personal protection officer may transfer his endorsement to another employer if the

personal protection officer:

- (1) Has transferred his security officer commission to the new employer; and
- (2) Submits the appropriate form and transfer fee to the department within fourteen (14) days of the transfer of employment to the new employer.

### **RULE §35.92 Employer Requirements**

Personal protection officer employers shall:

- (1) Issue the personal protection officer endorsement pocket card issued by the department to the personal protection officer;
- (2) Maintain on file for inspection all contracts for personal protection officer services; and
- (3) Maintain on file for inspection all current records on all persons issued a personal protection endorsement including the personal protection officer's name, current residential address, and telephone number.

### **RULE §35.93 Personal Protection Officer Standards**

- (a) Personal protection officers must comply with all standards and requirements applicable to commissioned security officers, as provided in this chapter and the Act.
- (b) In addition, a personal protection officer shall not:
  - (1) Perform personal protection officer duties for any person(s) other than the person(s) employer indicated in the department records;
  - (2) Fail to timely surrender the personal protection officer pocket card upon written notice served by the department or his employer;
  - (3) While in the course and scope of employment as a personal protection officer, provide or engage in any other service regulated by the Act or this chapter other than providing personal protection from bodily harm to one (1) or more individuals;
  - (4) Fail to conceal a firearm if providing the services as a commissioned personal protection officer in plain clothes;
  - (5) Fail to carry on his or her person, the pocket card issued while performing the officer's duties as a personal protection officer; or
  - (6) Fail to present the pocket card for security officer commission and personal protection endorsement upon request made by a peace officer or representative of the department.

## **SUBCHAPTER H LETTERS OF AUTHORITY**

### **RULE §35.101 Private Business Letter of Authority**

- (a) The security department of a private business, as defined in the Act, must obtain a letter of authority in order to employ a commissioned security officer.
- (b) A security department of a private business that employs in a non commissioned capacity an individual meeting the conditions of §1702.323(d) of the Act must obtain a guard company license.
- (c) A security department of a private business shall not provide guard company services to a third party.
- (d) The holder of a private business letter of authority must qualify a manager who meets the requirements of the Act as they pertain to the manager of a security services contractor and maintain on file with the department the name of the individual responsible to ensure the commissioned security officer's compliance and ensure records are maintained in accordance with applicable laws and rules.
- (e) A private business letter of authority is valid for one year and may be renewed by submitting the department approved renewal application and the required renewal fee no earlier than ninety (90) days prior to expiration.

## **RULE §35.102 Governmental Letter of Authority**

- (a) A political subdivision that employs a commissioned private security officer must obtain a governmental letter of authority.
- (b) The governmental letter of authority is valid for one (1) year and may be renewed by submitting the department approved renewal application and required renewal fee no earlier than ninety (90) days prior to expiration.
- (c) The holder of the governmental letter of authority must designate and maintain on file with the department the name of the individual responsible for ensuring the commissioned security officer's compliance with the Act and this chapter and for ensuring records are maintained in accordance with this chapter.

## **SUBCHAPTER I COMPANY RECORDS**

### **RULE §35.111 Employee Records**

Licenseses shall keep records of all employees registered or commissioned under the Act. The employee records, detailed in this section, shall be maintained for a period of two (2) years from the last date of employment:

- (1) Full name, date of employment, position, and address;
- (2) Social security number;
- (3) Last date of employment;
- (4) Date and place of birth;
- (5) One color photograph;
- (6) The results of any drug tests;
- (7) Documentation of the pre-employment check required under §35.3 of this chapter (relating to Registration Applicant Pre-employment Check); and
- (8) All training certificates earned by the employee while employed by the licensee.

### **RULE §35.112 Business Records**

- (a) Licenseses shall maintain copies of the records detailed in this section, or otherwise required under this chapter, for two (2) years from the later of the date the related service was provided or the date the contract was completed:
  - (1) All contracts for regulated service and related documentation reflecting the actual provision of the regulated service; and
  - (2) Copies of any timesheets, invoices, or scheduling records reflecting the employment dates of any registered employees.
- (b) If the company has no physical place of business within the State of Texas, the records shall be maintained:
  - (1) At the office of the registered agent within the State of Texas; or
  - (2) At any physical location within the State of Texas of an agent or employee of the company.

### **RULE §35.113 Records Required on Commissioned Security Officers**

In addition to any other records required under this chapter, the employer of a commissioned security officer shall maintain and make available for inspection the records detailed in this section:

- (1) The current residential address of the officer as reported by the officer;
- (2) The current duty assignment and location of assignment;
- (3) The results of all drug tests administered; and



- (4) Documented information on all required training obtained by the officer while employed by the licensee.

## **SUBCHAPTER J SPECIAL COMPANY LICENSE QUALIFICATIONS**

### **RULE §35.121 Investigations Company License**

- (a) Pursuant to the Act, the department has determined that an applicant for licensure as a private investigations company or the prospective manager of the applicant company must meet one of the qualifications detailed in this section:
  - (1) Three (3) consecutive years of investigation related experience;
  - (2) A bachelor's degree in criminal justice or related course of study;
  - (3) A bachelor's degree with twelve (12) months of investigation related experience;
  - (4) An associate degree in criminal justice or related course of study, with twenty-four (24) months of investigation related experience;
  - (5) A specialized course of study directly designed for and related to the private investigation profession, taught and presented through affiliation with a four (4) year college or university accredited and recognized by the State of Texas. This course of study must be endorsed by the four (4) year college or university's department of criminal justice program and include a departmental faculty member(s) on its instructional faculty. This course of study must consist of a minimum of two hundred (200) instructional hours including coverage of ethics, the Act, and this chapter; or
  - (6) Other combinations of education and investigation related experience may be substituted for the above at the discretion of the department or its designated representative.
- (b) The degrees referenced in subsection (a) of this section must be affiliated with a college or university recognized by the Texas Higher Education Coordinating Board, Southern Association of Colleges and Schools, or other accreditation organization recognized by the State of Texas.

### **RULE §35.122 Guard Company License**

Pursuant to the Act, the department has determined that an applicant for licensure as a guard company or the prospective manager of the applicant company must meet the qualifications detailed in this section:

- (1) Must be at least twenty one (21) years of age at the time of application;
- (2) Must have at least three (3) years accumulated employment experience in the field in which the company is licensed; and
- (3) Must have at least one (1) year of experience in a managerial or supervisory position.

### **RULE §35.123 Locksmith Company License**

Pursuant to the Act, the department has determined that an applicant for licensure as a locksmith company (as owner) or the prospective manager of the applicant company must meet one of the qualifications detailed in this section:

- (1) Qualification option one. Two (2) consecutive years of full-time locksmith-related experience; or
- (2) Qualification option two.
  - (A) Successful completion of a department approved forty-eight (48) hour basic locksmith course and a six hundred (600) hour fundamentals of locksmith course, with the curriculum content detailed in this subparagraph:
    - (i) Introduction to locksmithing.
    - (ii) The Act and this chapter.
    - (iii) State of Texas and United States Government business requirements.

- (iv) Key blank identification.
  - (v) Key machine and key duplication.
  - (vi) Codes and code cutting.
  - (vii) Basic lock types.
  - (viii) Basic picking.
  - (ix) Rim and mortise cylinders.
  - (x) Key in knob/key in lever locks.
  - (xi) Deadbolts and mortise locks.
  - (xii) Installations.
  - (xiii) Impressioning.
  - (xiv) Basic master-keying.
  - (xv) Basic safe servicing.
  - (xvi) Small format interchangeable core.
  - (xvii) High security and key control cylinders.
  - (xviii) Automotive opening.
  - (xix) Automotive key generation and programming.
  - (xx) Exit/panic device servicing, replacement, and installation.
  - (xxi) Door closer servicing, replacement, and installation.
  - (xxii) Cabinet and drawer lock servicing, replacement, and installation.
  - (xxiii) Safe installation, moving, and anchoring.
  - (xxiv) Single door access control service and installation.
- (B) Successful completion of a basic locksmith proficiency exam that covers a minimum of twelve (12) locksmith subjects and is approved by the department; and
- (C) One (1) year of full-time locksmith related experience.

## SUBCHAPTER K FEES

### RULE §35.131 Licensing and Examination Fees

(a) Pursuant to the Act, below is the fee schedule:

Class A license (original and renewal)	\$350.00
Class B license (original and renewal)	\$400.00
Class C license (original and renewal)	\$540.00
Class T license (original and renewal)	\$2,500.00
Assignment of license	\$150.00
Branch office certificate and renewal	\$300.00
Change name of license	\$75.00
Delinquency fee (post-expiration renewal penalty)	\$30.00
Duplicate pocket card	\$10.00
Employee information update fee	\$15.00
Criminal history check fee	\$31.50
Letter of authority fee for private business	\$400.00

Letter of authority renewal fee for private business and political subdivision	\$225.00
Manager reexamination	\$100.00
Personal protection officer endorsement	\$50.00
Preliminary criminal history check and evaluation letter	\$100.00
Pocket card endorsement (add or delete)	\$20.00
Reinstate suspended company license	\$150.00
Registration fee for alarm systems monitor	\$30.00
Registration fee for dog trainer	\$30.00
Registration fee for employee of license holder	\$30.00
Registration fee for noncommissioned security officer (original and renewal)	\$30.00
Registration fee for owner, officer, partner, or shareholder of a license holder	\$50.00
Registration fee for private investigator, manager, branch office manager, locksmith, electronic access control device installer, and alarm systems installer (original and renewal)	\$30.00
Registration fee for security consultant	\$30.00
Registration fee for security salesperson	\$30.00
School instructor fee (original and renewal)	\$100.00
Security officer commission fee (original and renewal)	\$50.00
Training school and Continuing Education (CE) school approval fee (original and renewal)	\$350.00

- (b) Upon completion of development and production of the department's new laminated pocket card, an additional fee of \$5.00 will be charged for any new application or renewal requiring the new card.
- (c) Fees collected are non-refundable and non-transferable.
- (d) Payment of fees shall be made in a manner approved by the department.
- (e) If payment is dishonored or reversed prior to issuance, the application will be abandoned as incomplete. If the registration, endorsement, commission, or license has been issued prior to being dishonored or reversed, revocation proceedings will be initiated pursuant to the Act, §1702.361. The department may dismiss a pending revocation proceeding upon receipt of payment of the full amount due, including any additional processing fees.
- (f) Original fees shall not be prorated. The full fee shall accompany all original applications.

### **RULE §35.132 Subscription Fees**

The fees detailed in this section are authorized under Texas Government Code, §2054.252.

- (1) Each individual licensee, registrant, or commissioned security officer shall pay the following fee for occupational license renewal: \$3.00 for a \$30.00 renewal and \$5.00 for renewals from \$50.00 to \$100.00. This fee is in addition to the renewal fee.
- (2) Each company licensee shall pay the following fee for occupational license renewal: \$7.00 for a \$225.00 renewal; \$11.00 for a \$300.00 to \$350.00 renewal; \$12.00 for a \$400.00 renewal; and \$16.00 for a \$540.00 renewal. This fee is in addition to the

- renewal fee.
- (3) Each individual applicant for a license, registration or security officer commission shall pay the following fee upon application: \$3.00 for a \$30.00 application; and \$5.00 for a \$50.00 to \$100.00 application. This fee is in addition to the application fee.
  - (4) Each company license applicant shall pay the following fee upon application: \$11.00 for a \$300.00 to \$350.00 application; \$12.00 for a \$400.00 application; and \$16.00 for a \$540.00 application. This fee is in addition to the application fee.
  - (5) Each individual registrant or commissioned security officer shall pay a \$2.00 fee for an employee information update. This fee is in addition to the employee information update fee.

## SUBCHAPTER L TRAINING

### RULE §35.141 Training Requirements

- (a) Security and Personal Protection Officer Training.
  - (1) The Level II training course shall be completed by all applicants for a security officer commission or for registration as a noncommissioned security officer. The course material shall be prepared or approved by the department. A certificate indicating completion of Level II training shall be submitted to the department with the required application. Level II training may be taught by the licensee's manager, the manager's designee, or a board approved school and board approved instructor using the most current version of the respective Board Level II training course manuals.
  - (2) The Level III training course shall be completed by all applicants for a security officer commission and a personal protection officer endorsement. The course material shall be prepared by and obtained from the department. A certificate indicating completion of Level III training shall be submitted to the department along with the application to register the individual. Level III training must be taught by a department approved school and a department approved instructor.
  - (3) The Level IV training course shall be completed by all applicants for a personal protection officer endorsement. The course material shall consist of a minimum of fifteen (15) classroom hours and shall be offered by department approved personal protection officer training schools and taught by department approved personal protection training instructors. All training shall be conducted with a department approved instructor present during all instruction. All students of a personal protection officer training course shall be tested with an examination prepared by and obtained from the department.
- (b) Peace Officer Exemption.
  - (1) Applicants for either a security officer commission or a personal protection officer endorsement who are full-time peace officers, certified by the Texas Commission on Law Enforcement (TCOLE), may be exempted from the Level III training requirements upon submission to the department a sworn affidavit attesting to the applicant's review of and familiarity with the Act and the related administrative rules.
  - (2) Applicants for either a security officer commission or a personal protection officer endorsement who have honorably retired as Texas peace officers within the preceding two (2) years may be exempted from the Level III training requirements upon submission to the department of proof of their honorably retired status (in the form of documentation from the employing agency or TCOLE), and of a sworn affidavit attesting to the applicant's review of and familiarity with the Act and this chapter. For purposes of the above exemption, "honorably retired" means that the applicant:
    - (A) Did not retire in lieu of a disciplinary action;
    - (B) Was eligible to retire from the law enforcement agency or was ineligible to retire only as a result of an injury received in the course

- of the applicant's employment with the agency; and
- (C) Is entitled to receive a pension or annuity for service as a law enforcement officer or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the applicant does not offer a pension or annuity to its employees.
- (c) Alarm Systems Training.
  - (1) The Level I alarm systems training course shall be successfully completed, and the certification submitted to the department, by any registrant employed as an alarm systems installer or a security alarm salesperson, in order to renew an original registration.
  - (2) Alarm systems Level I training must be taught by a department approved alarm systems training school and a department approved alarm instructor.
- (d) An inactive or expired registrant who has not been employed in the investigation or security services industry in the past three (3) years or more must submit current training certificate(s) to the department.

### **RULE §35.142 Training School Approval**

- (a) An application for training school approval shall be submitted in the manner prescribed by the department.
- (b) To be approved, the school must:
  - (1) Use the department's most current training manual;
  - (2) Register and obtain approval of all instructors as provided under §35.133 of this chapter (relating to Training Instructor Approval);
  - (3) Register a qualified manager;
  - (4) Register all owners, officers, partners, or shareholders, as provided in the Act, §1702.110.
- (c) The letter of approval or license certificate shall be valid for one (1) year and may be renewed by submitting an application for renewal thirty (30) days prior to the expiration date.
- (d) An entity having a private business letter of authority or a governmental letter of authority may seek approval as a training school by meeting requirements of this chapter where applicable. A training school approved under this section may only train employees of the entity.
- (e) The department may deny an application for approval for any reason relating to the failure to satisfy the requirements of this section, or for prior violations of the Act or this chapter on the part of the owners or instructors associated with the applicant.
- (f) The department may withdraw or suspend approval of a training school upon evidence the school has operated in violation of the Act or this chapter. Certificates of completion or proficiency submitted for courses taught subsequent to notification of withdrawal or suspension of the school's approval will be rejected.

### **RULE §35.143 Training Instructor Approval**

- (a) An application for approval as a training instructor shall contain evidence of qualification as required by the department. Instructors may be approved for classroom or firearm training, or both. An individual may apply for approval for one or both of these categories. To qualify for classroom or firearm instructor approval, the applicant must submit acceptable certificates of training for each category. The classroom instructor and firearm certificates shall represent a combined minimum of forty (40) hours of department approved instruction.
- (b) The items detailed in this subsection may constitute proof of qualification as a classroom instructor for security officers:
  - (1) An instructor's certificate issued by Texas Commission on Law Enforcement (TCOLE);
  - (2) An instructor's certificate issued by federal, state, or political subdivision law enforcement agency approved by the department;
  - (3) An instructor's certificate issued by the Texas Education Agency (TEA);
  - (4) An instructor's certificate relating to law enforcement, private security, or industrial security issued by a junior college, college, or university; or
  - (5) A concealed handgun instructor certificate issued by the department.

- (c) The items listed in this subsection may constitute proof of qualification as a firearm training instructor, if reflecting training completed within two (2) years of the date of the application:
  - (1) A handgun instructor's certificate issued by the National Rifle Association;
  - (2) A firearm instructor's certificate issued by TCOLE; or
  - (3) A firearm instructor's certificate issued by a federal, state, or political subdivision law enforcement agency approved by the department.
- (d) Proof of qualification as an alarm systems training instructor shall include proof of completion of an approved training course on alarm installation.
- (e) Proof of qualification as a personal protection officer instructor shall include, but not be limited to:
  - (1) A firearm instructor's certificate issued by TCOLE along with proof that the individual has instructed nonlethal self-defense or nonlethal defense of a third party for three (3) or more years. Evidence may include:
    - (A) Affidavit from employer; or
    - (B) A copy of curriculum taught.
  - (2) An instructor's certificate issued by federal, state, or political subdivision law enforcement academy along with proof that the individual has instructed nonlethal self defense or nonlethal defense of a third party for three (3) or more years. Evidence may include:
    - (A) Affidavit from employer; or
    - (B) A copy of curriculum taught.
  - (3) An instructor's certificate issued by TEA along with proof that the individual has instructed nonlethal self defense or nonlethal defense of a third party for three (3) or more years. Evidence may include:
    - (A) Affidavit from employer; or
    - (B) A copy of curriculum taught.
  - (4) An instructor's certificate relating to law enforcement, private security or industrial security issued by a junior college, college or university along with proof that the individual has instructed nonlethal self defense or nonlethal defense of a third party for three (3) or more years. Evidence may include:
    - (A) An affidavit from an employer; or
    - (B) A copy of curriculum taught.
  - (5) Evidence of successful completion of a department approved training course for personal protection officer instructors.
- (f) A letter of approval from the department shall be issued to each approved instructor and shall be valid for a period of one (1) year. The instructor's approval may be renewed for a period of one (1) year, upon application to the department and payment of the renewal fee.
- (g) Notice shall be given in writing to the department within fourteen (14) days after a change in address of the approved instructor.
- (h) A letter of approval from the department shall be issued to each approved instructor and shall be valid for a period of one (1) year. The instructor's approval may be renewed at any time up to one (1) year after expiration, upon application to the department and payment of the renewal fee.
- (i) In addition to summary actions under the Act, based on criminal history disqualifiers, the department may revoke or suspend an instructor's approval or deny the application or renewal thereof upon evidence that:
  - (1) The instructor or applicant has violated any provisions of the Act or this chapter;
  - (2) The qualifying instructor's certificate has been revoked or suspended by the issuing agency;
  - (3) A material false statement was made in the application; or
  - (4) The instructor does not meet the qualifications set forth in the provisions of the Act and this chapter.

## **RULE §35.144 Training Manuals and Examinations for Commissioned Security Officer and Personal Protection Officer**

- (a) The most current version of department's training manuals shall be used by all department approved Level III and Level IV training schools.
- (b) All students of a Level III or Level IV training school shall be tested with the most current version examination prepared by and obtained from the department.
- (c) The passing grade of all examinations shall be a minimum of 75% correct answers.

## **RULE §35.145 Handgun Courses**

- (a) In addition to the firearm qualification requirements as set forth in the Act, a department approved firearm training instructor may qualify a student by using:
  - (1) The Texas Department of Public Safety Primary Issued Handgun Qualification Course; or
  - (2) The Texas Department of Public Safety Approved Concealed Handgun License Course.
- (b) All individuals qualifying with a firearm to satisfy the requirements of the Act shall qualify with an actual demonstration by the individual of the ability to safely and proficiently use the category of firearm for which the individual seeks qualification.
- (c) The categories of handguns are:
  - (1) SA--Semi-automatic; and
  - (2) NSA--Non semi-automatic.
- (d) The SA qualification authorizes the carrying of either semi automatic or non semi-automatic handguns.

## **RULE §35.146 Shotgun Course of Fire**

- (a) Any commissioned security officer licensed by the department who, in the performance of his/her duties, has a shotgun available to assist in the protection of life or property must demonstrate proficiency to a department approved firearms training instructor by successfully completing the course of fire for shotgun training. The course of fire shall consist of nine rounds of nine (9) pellet "00" buckshot (no slugs) fired as detailed in this section:
  - (1) From a standing position at a distance of fifteen (15) yards, three (3) rounds of "00" buckshot in twelve (12) seconds;
  - (2) From a standing position at a distance of ten (10) yards, three (3) rounds of "00" buckshot in ten (10) seconds;
  - (3) From a standing position at a distance of five (5) yards, three (3) rounds of "00" buckshot in ten (10) seconds; or
  - (4) An alternate course of fire may be approved by the director upon receipt of written application.
- (b) A biennial familiarization of six (6) rounds of "00" buckshot shall be required for renewal of a commissioned security officer. The course of fire shall be as outlined in subsection (a) of this section reducing the number of rounds from three (3) to two (2) with a commensurate halving of time in each category.
- (c) The category for any shotgun is STG.

## **RULE §35.147 Certificates of Completion and Training Records**

- (a) A department approved training school shall:
  - (1) Issue an original certificate of completion to each qualifying student within seven (7) days after the student qualifies;
  - (2) Maintain adequate records to show attendance, progress and grades of students and maintain on file a copy of each certificate issued to students at the department approved training school;
  - (3) Make all required records available to investigators employed by the department for inspection during reasonable business hours; and
  - (4) Retain all training records for twenty-four (24) months from the date of completion of training.

- (b) The certificate of completion shall reflect the particular course or courses completed by a student during the training period.
- (1) Certificates of completion for Level II shall contain the:
    - (A) Name and approval number of the school;
    - (B) Date of completion;
    - (C) Name, signature, and approval number of training instructor; and
    - (D) Full name and last six (6) digits of social security number of student.
  - (2) Certificates of completion for Level III and IV shall contain the:
    - (A) Name and approval number of the school;
    - (B) Date of firearm training completion (Level III only);
    - (C) Name, signature, and approval number of classroom and/or firearm training instructor;
    - (D) Full name and last six (6) digits of the social security number of student; and
    - (E) The specific date of firearm qualification along with the name and approval number of the firearms instructor on those certificates designating completion of Level III.
  - (3) Certificate of completion for firearms qualification (firearm proficiency) shall contain the:
    - (A) Name and approval number of the school;
    - (B) Name, signature, and approval number of firearms training instructor;
    - (C) Full name and last six (6) digits of the social security number of student;
    - (D) Firearms completion date;
    - (E) Note the category of firearm as defined in this chapter;
    - (F) Note the caliber of firearm; and
    - (G) Be on a certificate form designed or approved by the department.
  - (4) Certificates of completion for alarm systems installation or sales training shall contain:
    - (A) The name and approval number of the school;
    - (B) The name, signature and approval number of training instructor;
    - (C) The full name and last six (6) digits of the social security number of student;
    - (D) The date of final completion of the entire course; and
    - (E) The words "Has successfully completed the alarm installers or alarm systems salespersons alarm training school approved by the Texas Department of Public Safety."

## **SUBCHAPTER M CONTINUING EDUCATION**

### **RULE §35.161 Continuing Education Requirements**

- (a) A license, registration, endorsement, or commission may not be renewed until the required minimum hours of department approved continuing education credits have been earned in accordance with the Act and this chapter. Proof of the required continuing education must be maintained by the employer and contained in the personnel file of the registrant's employing company. All registrants shall indicate they have completed the required minimum hours of department approved continuing education credits on their application for renewal. A renewal application shall also include the name of the school, school number, seminar number, seminar date, and credits earned.
- (b) Nonparticipating owners, partners, shareholders, noncommissioned security officers, and administrative support personnel are specifically exempted from the continuing education requirements.
- (c) All registrants not specifically addressed in this section shall complete a total of eight (8) hours of continuing education, seven (7) hours of which must be in subject matter that relates to the type of registration held, and one (1) hour of which must cover ethics. Following the initial registration period, qualified managers of Class B licensed companies may take a one (1) hour course devoted to changes in laws and rules applicable to the security industry, as a substitute for the above one (1) hour ethics requirement.



- (d) Private investigators and managers of Class A and Class C licenses with more than fifteen (15) years of continued registration as a private investigator or manager of a Class A or Class C license shall complete a total of twelve (12) hours of continuing education, eight (8) hours of which must be in subject matter that relates to the type of registration held, two (2) hours of which must cover ethics, and two (2) hours of which must involve the review of the Act and the rules of this chapter.
- (e) Private Investigators and managers of Class A and Class C licenses with less than fifteen (15) years of continued registration as a private investigator or manager of a Class A or Class C license shall complete a total of eighteen (18) hours of continuing education, fourteen (14) of which must be in subject matter that relates to the type of registration held, two (2) hours of which must cover ethics, and two (2) hours of which must involve the review of the Act and the rules of this chapter.
- (f) Any person registered as a private investigator who fails to complete the required continuing education during the twenty-four (24) months of an initial registration is not eligible to make a new or renewal application until such time as the training requirement for the previous registration period has been satisfied.
- (g) Commissioned security officers and personal protection officers shall complete six (6) hours of continuing education. Continuing education for commissioned security officers and personal protection officers must be taught by schools and instructors approved by the department to instruct commissioned security officers as defined in the Act. Commissioned security officers shall submit a firearms proficiency certificate along with the renewal application.
- (h) During the first twelve (12) months of initial registration, each person employed as an alarm system installer or alarm systems salesperson must complete Alarm Level I training, consisting of sixteen (16) hours of classroom instruction or equivalent online course as approved by the department, with two (2) hours covering the National Electrical Code (NEC) as it applies to low voltage. Any person employed as an alarm systems installer or alarm systems salesperson must earned eight (8) hours of continuing education credits in an alarm related field, with one (1) hour covering the National Electrical Code (NEC) as it applies to low voltage, during each subsequent twenty-four (24) month period. This requirement must be satisfied prior to the expiration date of registration in order to renew the registration.
- (i) For the protection of the installer and the general public, the work of an alarm system installer who has not completed the required sixteen (16) hours of instruction must be overseen by an installer who has completed the required sixteen (16) hours of instruction. The oversight required under this section need not involve direct physical supervision, but the overseeing installer is responsible for ensuring the installation complies with all applicable requirements and regulations.
- (j) Any person registered as an alarm systems installer or salesperson who fails to complete sixteen (16) hours of training during the twenty-four (24) months of initial licensure, or who fails to complete eight (8) hours of continuing education during any subsequent licensing period is not eligible to make a new or renewal application until such time as all training requirements for the previous license period have been satisfied.
- (k) Alarm monitors shall complete four (4) hours of continuing education in subject matter that relates to the duties and responsibilities of an alarm monitor.
- (l) All persons registered or licensed as locksmiths must complete sixteen (16) hours of continuing education every two (2) years.
- (m) Attendees of continuing education courses shall maintain certificates of completion furnished by the school director in their files for a period of two (2) years. Attendees shall furnish the department with copies of all certificates of completion upon request.

## **RULE §35.162 Continuing Education Schools**

- (a) Except as otherwise provided by this subchapter, all continuing education credits must be earned through department approved continuing education schools.
- (b) All department approved continuing education schools shall comply with:
  - (1) Each school must identify to the department a school director as its agent responsible for ensuring the school's compliance with this subchapter, including the maintenance of attendance records, the provision of such records to department personnel upon

request, and the verification of curricula and instructors' qualifications. The failure of this individual to perform these duties or to otherwise comply with this subchapter may result in the cancellation of the school's certificate of approval and the rejection of claims for continuing education credit obtained from that school.

- (2) School attendance records shall include:
  - (A) Subjects taught in each course of instruction;
  - (B) Total hours of each course of instruction and the hours instructed on each subject;
  - (C) Date of instruction;
  - (D) Name, license number, and date(s) of attendance for each individual that attended a course of instruction; and
  - (E) Name and qualifications of instructor.
- (3) Schools shall issue certificates of attendance to registrants or licensees attending a course of instruction. The certificates of attendance shall contain the name and license number of the attendee, the date of attendance, the number of hours of attendance, and the course(s) of instruction attended. Each certificate shall be signed and dated by the school director.
- (4) Schools shall maintain all records required by this section for a period of two (2) years.
- (5) The school shall provide copies of all records required under this subchapter to the department upon request.
- (6) The school director shall verify that the curriculum of each continuing education course offered is in compliance with this chapter.
- (7) The school director shall verify the qualifications of each instructor.
- (c) Attendees of courses of continuing education shall maintain certificates of completion furnished by the school director in their files for a period of two (2) years. Attendees shall furnish the department with copies of all certificates of completion upon request.
- (d) Licensed companies with ten (10) or more registered employees may make a written request for a letter of exemption allowing them to provide continuing education to those employees registered under the requesting company's license. Such requests shall be addressed to the department. A letter of exemption granted under this section shall be valid for two (2) years. To qualify for a letter of exemption, the company must appoint a training director, assure that all training is in compliance with all related administrative rules, maintain proof of all training, and provide each employee with a certificate of training as required by this section. There is no annual fee associated with a letter of exemption issued under this subsection.

## **SUBCHAPTER N EXEMPTIONS**

### **RULE §35.171 Unlicensed General Contractors or Other Intermediaries**

An unlicensed general contractor or other intermediary may not offer to provide and may not provide a regulated service unless the contract expressly includes:

- (1) The offer, bid, or proposal and any related advertisements must clearly and conspicuously state that the general contractor or broker is not licensed to perform the service in question and that the regulated service is to be provided exclusively by a licensed party;
- (2) The contract and any bid or offer to perform a regulated service must identify the licensee by name and license number;
- (3) The licensed subcontractor must be an express party to the contract; and
- (4) The contract must clearly and conspicuously provide that the licensee is fully responsible for the regulated service and that the unlicensed general contractor will have no involvement in the regulated service.

### **RULE §35.172 Certain Locksmith Services**

- (a) An owner or employee of a retail establishment open to the general public may perform work on a mechanical security device within the confines of the establishment, provided

- the work is limited to servicing products sold by the establishment, or duplicating keys.
- (b) The installation of a pre-keyed lockset may be performed by an unlicensed person, so long as the installer is hired directly by the recipient of the service, is not employed by or under contract with the retail establishment from which the lockset was purchased and the installation involves no rekeying or other internal manipulation of the locking mechanism or of any existing mechanical security devices.
  - (c) Repossession agents who are exclusively engaged in the business of repossession are exempted from licensure under the Act while using their own equipment and employees to decode or make keys, or to install or repair locks for the property repossessed. Any third party contractor engaged to perform such services must be licensed as a locksmith.
  - (d) The exemptions listed in subsection (a), (b), or (c) of this section apply only if the person does not use the term "locksmith" or any similar term, or otherwise create the impression to a reasonable consumer that the person is a licensed locksmith.

### **RULE §35.173 Electronic Access Control Device**

This chapter does not apply to manufacturers, manufacturers' distributors, or installers of electronic access control devices whose sole intended purpose is to provide the public with convenient and unrestricted access, such as automatic pedestrian doors

## **SUBCHAPTER O ACTIVE MILITARY AND SPOUSES- SPECIAL CONDITIONS**

### **RULE §35.181 Exemption from Penalty for Failure to Renew in Timely Manner**

An individual who holds a registration, commission, or license issued under the Act is exempt from any increased fee or other penalty for failing to renew the license in a timely manner if the individual establishes to the satisfaction of the department the individual failed to renew the license in a timely manner because the individual was on active duty in the United States Armed Forces serving outside this state.

### **RULE §35.182 Extension of Certain Deadlines for Active Military Personnel**

A person who holds a registration, commission, or license issued under the Act, who is a member of the state military forces or a reserve component of the armed forces of the United States, and who is ordered to active duty by proper authority is entitled to an additional amount of time, equal to the total number of years or parts of years the person serves on active duty, to complete:

- (1) Any continuing education requirements; and
- (2) Any other requirement related to the renewal of the person's license.

### **RULE §35.183 Alternative License Procedure for Military Spouses**

- (a) An individual who is the spouse of a person serving on active duty as a member of the armed forces of the United States may apply for a license under this section if the individual:
  - (1) Holds a current license issued by another state with licensing requirements substantially equivalent to the Act's requirements for the license; or
  - (2) Within the five (5) years preceding the application date held a license in this state that expired while the applicant lived in another state for at least six (6) months.
- (b) The department may accept alternative demonstrations of professional competence in lieu of existing experience, training, or educational requirements.

### **RULE §35.184 Credit for Military Experience and Training**

- (a) Verified military service, training, or education that relates to the registration, commission, or license for which a military service member or military veteran has

applied will be credited toward the respective experience or training requirements.

(b) This section does not apply to an applicant who:

- (1) Holds a restricted license issued by another jurisdiction; or
- (2) Is ineligible for the registration, commission, or license under the Act or this chapter, based on a disqualifying criminal history.